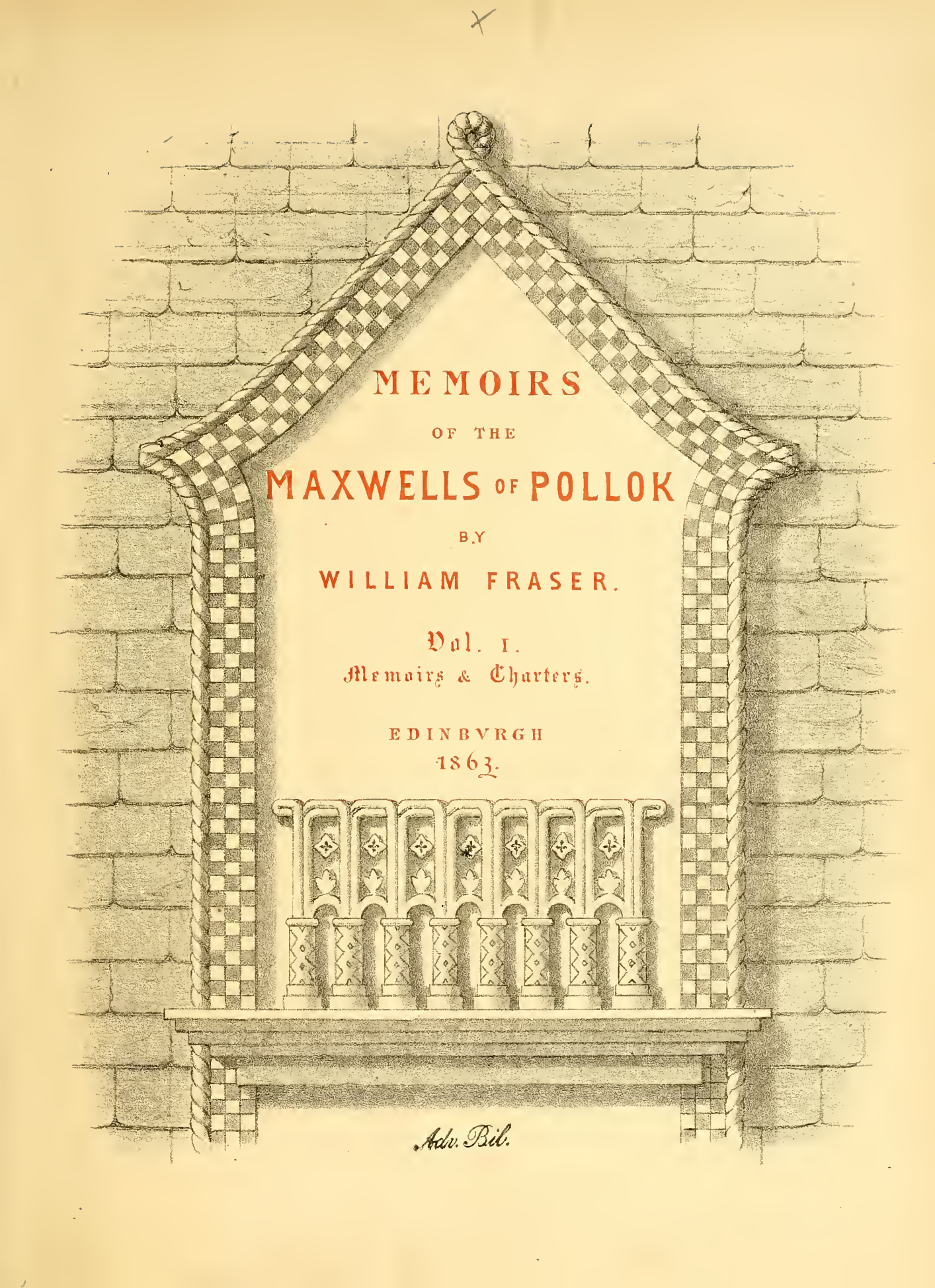
NATIONAL
LIBRARY
OF SCOTLAND

~~Hist. S. 112. M.~~
~~Gen. 8. M.~~
Gen. 8. Max 2

Digitized by the Internet Archive
in 2012 with funding from
National Library of Scotland

http://archive.org/details/memoirsofmaxwev100fras


MEMOIRS
OF THE
MAXWELLS OF POLLOK
BY
WILLIAM FRASER.
Vol. I.
Memoirs & Charters.
EDINBVRGH
1863.
Adv. Bil.

ARMORIAL BEARINGS OF SIR JOHN MAXWELL OF POLLOK, KNIGHT,

1400.

CONTENTS.

VOLUME I.

PAGE

PREFACE, ... 1
INTRODUCTION, ... xvii
Pedigree of Main Line of Maxwell Family, . xlv
Pedigree of the Maxwells of Pollok, . xlvii

THE MAXWELLS OF POLLOK, 1270-1647, . 1
V. Sir John Maxwell, Knight, first of Pollok, 1270-1306, . . . 9
VI. Sir Robert Maxwell, Knight, second of Pollok, 1306-1330, . . 10
VII. Sir John Maxwell, Knight, third of Pollok, 1330-1360, . . . 10
VIII. Sir John Maxwell, Knight, fourth of Pollok, 1360-1405, . . 11
IX. Sir John Maxwell, Knight, fifth of Pollok, 1405-1429, . . . 16
X. Thomas Maxwell, sixth of Pollok, 1429-1450, ... 18
XI. John Maxwell, seventh of Pollok, 1450-1487, ... 18
XII. John Maxwell, eighth of Pollok, 1487-1510, ... 20
XIII. John Maxwell, ninth of Pollok, 1510-1517, ... 23
XIV. John Maxwell, tenth of Pollok, 1517-1523, ... 24
XV. Elizabeth Maxwell, Heiress of Pollok, 1523-1592, . . . 25
XIV. Sir John Maxwell of Cowglen, her husband, 1524-1577, . . . 25
XV. Sir John Maxwell, twelfth of Pollok, 1577-1595, . . . 36
XVI. Sir John Maxwell, first Baronet, 1595-1647, ... 43

THE MAXWELLS OF AULDHOUSE, 1470-1666, 50
XI. Thomas Maxwell [of Auldhouse], 1470-1500, ... 51
XII. Thomas Maxwell, second of Auldhouse, 1491-1526, . . . 52
XIII. John Maxwell, third of Auldhouse, 1526-1546, . . . 53
XIV. John Maxwell, fourth of Auldhouse, 1546-1578, . . . 53
XV. (1.) John Maxwell, fifth of Auldhouse, 1584-1620, . . . 54
XV. (2.) Mr. George Maxwell, sixth of Auldhouse, 1600-1648, . . 55
XVI. Mr. John Maxwell, seventh of Auldhouse, 1634-1666, . . 58

PAGE

THE MAXWELLS OF POLLOK, 1647-1863, . 61
XVII. Sir George Maxwell, fourteenth of Pollok, 1647-1677, . . . 61
XVIII. 1. Sir John Maxwell Lord Pollok, 1677-1732, ... 78
XVIII. 2. Sir John Maxwell, third Baronet, 1732-1752, . . . 94
XIX. 1. Sir John Maxwell, fourth Baronet, 1752-1758, . . . 101
XIX. 2. Sir Walter Maxwell, fifth Baronet, 1758-1762, . . . 106
XX. 1. Sir John Maxwell, sixth Baronet, 1761-1762, . . . 108
XIX. 3. Sir James Maxwell, seventh Baronet, 1762-1785, . . . 108
XX. 2. Sir John Maxwell, eighth Baronet, 1785-1844, . . . 111
XXI. Sir John Maxwell, present Baronet, 115
Inscription to Lady Matilda Maxwell, on back of her portrait, between . 120-121
CHARTERS AND FAMILY PAPERS, . . 121
Abstract of Charters and Family Papers, . 379
BIOGRAPHIES OF—
Robert Maxwell, Bishop of Orkney, . 403
D'Arcy Brisbane, Lady Maxwell, . . 412
Barbara Maxwell, Mrs. Greville Ewing, . 418
Hannah Anne Gardiner, Lady Maxwell, . 424
Branches of the Pollok-Maxwell Family—
I. Maxwell of Blawarthill, . . 429
II. Maxwell of Springkell, . . 438
III. Maxwell of Dalswinton, . . 451
IV. Maxwell of Cowglen, . . . 456
V. Maxwell of Calderwood, . . 460
Pedigrees of other Branches—
1. The Maxwells, Earls and Lords Farnham, 494
2. The Maxwells of Aikenhead, . . 495
3. The Maxwells in Glasgow, . . 496

VOLUME II.

Abstract of Letters, ... i
Letters, ... 1
1. Royal Letters, ... 1
2. State and Official Letters, . . 21
3. Family and Domestic Letters, . . 125
Index of Persons, ... 389
Index of Places, ... 436

ILLUSTRATIONS.

VOLUME I.

	PAGE
Title-page, designed chiefly from a Window of Haggs Castle,	i
Armorial bearings of Sir John Maxwell of Pollok in 1400, on back of title-page,	ii
Initials of Elizabeth Countess of Nithsdale,	xxxii
Carlaverock Castle, facing	xxxiv
The double-headed Eagle of Nithsdale, facing	xxxv
Mearns Castle, facing	xxxviii
Bronze Ewer found at Mearns, facing	xxxix
Haggs Castle, from a Drawing by Miss Mildmay, facing	4
Inscription over Door, facing	5
Crookston Castle, Photo-lithograph of an old Engraving inscribed to Sir James Maxwell, facing	8
Name of Robert Burns, the Poet, carved on Crookston Yew, facing	9
Armorial Bearings of Sir John Maxwell and Isabella Lindsay, *circa* 1360, from four Stones originally in old Castle of Pollok, facing	14
Lindsay Arms in 1631, from an original panel in the possession of the Editor, facing	15
Auldhouse Mansion, facing	50
Inscription in Auldhouse Mansion, facing	51
Wych Elms at Pollok, facing	114
Inscription to Sir John Maxwell, facing	115
Pollok House from the south, facing	118
Reception of the Prince of Wales, Baron Renfrew, at Pollok, on 15th August 1859, facing	119
Pollok or Eastwood Church, the gift of Sir John Maxwell, 1863, facing	120
Part of the Memorial Window in Glasgow Cathedral, to Lady Matilda Maxwell, on back of do.	
Portrait of Lady Matilda Maxwell after do. with inscription.	
Charter of William the Lion, *c.* 1200, facing	121
Charter to Sir John Maxwell 1372, between	130 & 131
"Sanctvs Magnvs," facing	404
Royal Arms of Scotland, and Bishop Maxwell's Arms, and Inscription on Bells, gifted to Saint Magnus Cathedral, facing	405
Calderwood Castle, facing	460
Arms of Maxwell of Calderwood 1542, facing	461
Newark Castle, facing	464
Stanley Castle, after do.	
Dargavel House, after do.	
Armorial Stone of the Maxwells, at Dargavel, facing	465
Arms of Patrick Maxwell and Bessie Boyd, 1623,	497

VOLUME II.

Title-page, the same as in Vol. I., adapted to Vol. II.

Armorial bearings of the Lord Maxwell in 1542, on back of Title-page.

Title-page of Family Portraits, being the Maxwell saltire within an annulet.

PORTRAITS—	Nos.
Lord Pollok and Marion Stewart his Wife,	1, 2
Sir John Maxwell, third Baronet,	3
Lady Anne Carmichael and Barbara Stewart, his Wives,	4, 5

(Nos. 1, 2, 3, and 5 are from the original Portraits at Steuarthall. The artist is unknown.)

	PAGE
Frances Colhoun, Lady Maxwell, from an Original Portrait at Pollok, Artist unknown,	6
Sir John Maxwell, eighth Baronet, from a Bust at Pollok by Fillans, Paisley,	7
Hannah Ann Gardiner, his Wife, from an Original Portrait and a Miniature, both at Pollok, Artists unknown,	8, 9
Captain Richard Gardiner, her Father, from a Portrait at Pollok,	10
Captain Robert Maxwell, younger Son of Sir James Maxwell, from a Miniature at Pollok,	11
Sir John Maxwell, now of Pollok, in Eastern Costume, while on his travels,	12
Lady Matilda Maxwell, from a Portrait by James R. Swinton,	13
Bust of Sir John Maxwell, by M. Grant,	14
Harriet Ann Maxwell, from a Portrait by Sir Henry Raeburn,	15
Elizabeth Maxwell, Mrs. Stirling of Keir,	16
Hannah Ann Stirling of Keir, from a Portrait by John Graham Gilbert,	17

All the above Portraits, Castles, and Armorial bearings were lithographed by W. H. Macfarlane, Edinburgh.

	PAGE
Facsimiles of Letters by Queen Mary and King James VI., facing	1-9
Collected Seals of Arms and Signatures of the Maxwells and others,	373
Lintel Stone and Inscription from Newark Castle, built into Dargavel House,	453

PREFACE.

Upwards of six centuries have passed away since Sir Aymer de Maxwell, grandson of Maccus, became lord of the ancient barony of Mearns, and brought into the family of Maxwell those wide domains in Renfrewshire, of which a large proportion has remained in the uninterrupted possession of his descendants until the present day. Pollok has been held by them as a separate estate for nearly six centuries, and, for at least a hundred years previously, it formed part of the barony of Mearns. Few families in Scotland can claim for their present seats a continued occupation of such antiquity; and since the Norman Montgomeries sold the old lordship of Eaglesham, which they had possessed for seven centuries, their Saxon neighbours, the Maxwells of Pollok, remain the oldest proprietors in Renfrewshire, descended in the male line. The family of the High Steward, which settled first in Renfrewshire, and, after rising rapidly in baronial importance, ultimately, within a few generations, attained sovereign power, has long since failed in the direct line. Other families, connected with the Stewarts, or early settled in the same district, have seen great changes, and the names of Eglinton and Glencairn, of Cochrane and Cathcart, of Semphill and Lyle, of Wallace and Walkinshaw, which once ranked among the foremost in Renfrewshire, have now little or no connexion with the county.

The family of the Maxwells of Pollok holds its place in the county still. The barony of Mearns, indeed, passed from the possession of the family about two hundred years ago, but their other estates have largely increased, and now include not only the old lordships of Crookston and Darnley, once the home of the Stewarts, but many other important properties surrounding on almost every side the original barony of Pollok.

Among the muniments of such a house, many documents of importance and interest necessarily accumulate. The mere feudal investitures of the suc-

cessive barons of Pollok, form, of themselves, a mass of instruments affording much information regarding the different generations of the family, and often throwing great light on the history of the neighbouring proprietors. But the Pollok Charter-room contains much more than this: Throughout the long period of their tenure of the estates, the Maxwells have taken an active interest in the various public questions, civil and religious, which, in peace or war, have agitated Scotland; and have preserved among their family papers, which are peculiarly rich in epistolary correspondence, many interesting records of the part they bore in the different struggles.

Such a collection could not fail to attract the attention of Scottish antiquaries. A celebrated explorer of charter-chests, recently deceased, wrote nearly half a century ago to Sir John Maxwell, suggesting that some of the Royal letters preserved at Pollok should be printed, and at a later period, in one of his published works, refers to the charter-chest of the family as a "magazine" of interesting documents, both historical and private.[1]

About the year 1830, an attempt was made to print a selection of the family muniments, but the gentleman who undertook the task of editing it died before the work could be completed.[2] One of the MSS. preserved at Pollok having been communicated to the Maitland Club, was privately printed by them in the year 1833, and is well known as "A Diurnal of remarkable occurrents that have passed within the country of Scotland since the death of King James the Fourth till the year 1575," which is the title prefixed to it by the late Mr. Thomas Thomson, who edited it for the Club. Mr. Thomson, in his preface, observes that the journalist, in his register of local occurrences, and temporary feelings and observations, states much, not to be found elsewhere, that cannot fail to interest the students of history, and which may help to correct or confirm the evidence of which they were previously in possession.

After Sir John Maxwell intrusted to me the editing of a printed collection

[1] This "magazine," containing very combustible materials, in the shape of old dry papers, many of which are crumbling to dust from age, narrowly escaped destruction in 1648, when Sir James Maxwell of Calderwood attacked and set fire to the mansion-house of Pollok, as described in the Memoir of Sir George Maxwell, at p. 62.

[2] Only thirty-four charters and other papers were printed, extending to forty pages 4to. A part of the impression of this fragment got into circulation, and a copy is occasionally to be found in the shops of the booksellers of Glasgow.

of his papers, and of writing memoirs of the family, I found in the course of my researches at Pollok, that he had suggested the idea of such a work at an early period. When an undergraduate at Christ Church, Oxford, he wrote to his mother, the late Lady Maxwell, in the year 1811, urging her, as the greatest favour she could confer upon him, to use her influence with his father, Sir John Maxwell, to have a full and accurate account of the family prepared for insertion in a work on the Baronage, then in progress, and offering, if necessary, to bear the expense of this himself. Although this idea occurred thus early to Sir John Maxwell, and although it has always been in his mind, the work has only now been imperfectly accomplished, after the lapse of more than half a century.

The first of the two following volumes contains one hundred and eighty-two Charters, Indentures, Bonds, Testaments, Leases, Discharges, and other miscellaneous papers such as usually form the contents of the charter chest of an ancient family. These documents embrace a period of about five centuries, from the year 1200 to the year 1719.

The first volume also contains a Memoir of the family, from the settlement in Scotland of Maccus, the progenitor of the Maxwells, about the year 1100, down to his descendant the present Baronet of Pollok. It also contains Memoirs of the principal families which have branched off from Pollok, including the baronets of Springkell and Calderwood, and of prominent members of the family, including Sir George Maxwell, and his son Sir John Maxwell Lord Pollok, and afterwards Lord Justice-Clerk, Robert Maxwell, Bishop of Orkney, and several of the Ladies Maxwell who have been eminent for piety.

The second volume contains correspondence, consisting of three hundred and seventy letters, classified into Royal, Official, and Domestic Letters. They embrace the period from the year 1550 to the year 1718.

Very full abstracts are given in the volumes along with the charters and letters. As these abstracts readily show the terms of the original writs, it is unnecessary to make particular mention of them here.

None of the contractions which occur in the original charters and letters have been preserved in the print. For reasons which I have stated in similar works, this appears to be preferable to printing contracted or abridged words. The spelling, however, is in all cases preserved as in the original writs. The

originals of the charters and letters printed in both volumes are at Pollok, with the exception of a few documents, which, as will be found stated in the abstract, have been procured from other repositories.

The Memoirs of the family of Pollok, and also of the principal branches of Springkell and Calderwood, have been prepared chiefly from the documents in the charter-chests of those families; and as regards the Maxwells of Pollok, are much more full than the account of that family by the late Mr. Riddell, published in 1818, in Robertson's edition of Crawford's History of Renfrewshire. Indeed, that Memoir is scarcely worthy of the name of one who was so eminent for his genealogical researches. In a letter from him, dated 2d March of that year, he explains the manner in which it was prepared:—"In drawing up your article," he says, "I have made it rather a little long, wishing to include the very words of all the authorities, which alone can stamp any genealogical detail with credit. The publisher, however, has intimated that it is '*too voluminous*,' and not adapted for the nature of the work; and I have allowed him to condense it as he pleases, under the express proviso that I see it, and revise it, previous to its being thrown off."

At that time, many points in the Pollok family history had still to be cleared up, as no complete account had been previously prepared; but between the voluminous author, and the condensing publisher, a very easy mode was taken of overcoming difficulties, as may be seen from a paragraph, which states—"after him" (Thomas Maxwell of Pollok in 1452), "there seems to have been a succession of lairds of Nether Pollok of the name of John, but whether more than two is not evident, down to the year 1500."[1] On referring to the Memoir of the family, it will be seen that this doubt has been cleared up, and the "succession of lairds of the name of John" is now given.

In the same work, Mr. Riddell confined his notice of Sir George Maxwell of Pollok, and his son, Lord Pollok, to two paragraphs of a few lines for each, chiefly occupied with the details of their births, marriages, and deaths. Two such eminent members of the family deserved more notice and

[1] Crawford's History of Renfrewshire, Robertson's edition, 1818, p. 281. Mr. Riddell ever afterwards continued to be puzzled with the numerous lairds of Pollok of the name of John. In a letter, dated 14th August 1841, he says,—"I wish there had been a little more variety in the Christian appellations, as it would have been instrumental in checking certain facts and epochs of descent or accession. Never was there such a constant and perplexing '*Johanizzing*' in any pedigree. The *Johns* seem to have been immortal—no bad omen for *you* perhaps."—[Original Letter to John Maxwell, younger of Pollok, at Pollok.]

consideration, and, in the present Memoir, I have attempted to do them greater justice. The account of the whole family of Pollok, by Mr. Riddell, occupies less than eight pages of the History of Renfrewshire. In the present work, double that space has been devoted both to Sir George Maxwell, and his son, Lord Pollok. Although I do not claim to have exhausted the personal history of these distinguished men, I trust that I have given a better idea of their public services and personal worth, than the previously published meagre account could supply.

In the year 1847, Mr. Riddell wrote another account of the Maxwells of Pollok, for Sir Bernard Burke's Peerage and Baronetage, and that account has continued to be reprinted in the annual republications of that work. But it is even more imperfect than the previous one.

An objection frequently urged against old family histories is, that they want precision and exactness of statement; but this charge cannot be brought against an old MS. account of the Maxwell family, written apparently about the year 1700, and preserved at Terregles. The deaths of the early Maxwells are all stated with the most exact precision. Eugen Maxwell is said to have died on 27th December 1199, but it is doubtful if he ever lived. Eustace, his successor, whose existence is equally apocryphal, is said to have died on 18th May 1202, and the next three in succession are stated to have died respectively on 3d February 1217, 27th April 1216, and 2d November 1244. This precision is continued throughout, but unfortunately there is not a single proof referred to.[1]

Within the brief compass of a Preface, it is of course impossible to notice all the documents which are printed, and reference must be made to the documents themselves, and to the abstracts of them.

The Charters relate for the most part to the family of the Lords Maxwell and Earls of Nithsdale, and to the Maxwells of Pollok and Calderwood. Among these Charters, the earliest in the collection, by William the Lion, and the two Charters by Alexander II. and Alexander III. (Nos. 3 and 4), have an important bearing on the origin of the surname of Maxwell, and confirm the view of

[1] Minutes of Evidence in the Herries Peerage Case. The writer might with as much truth have stated the *hours* at which the respective deaths occurred, as the days.

the derivation stated in the following Introduction, as being from the "well," and not the "ville," of Maccus.

The Indentures of 1400, 1405, and 1416 (Nos. 20, 24, and 26), are excellent specimens of the vernacular; and the Testament of Sir Robert Maxwell of Calderwood, made in France in the year 1420 (No. 28), is an interesting family document.

The Correspondence in the second volume is perhaps of more general interest than the Charters. Among the Royal letters is one from Queen Mary, which has been frequently and, in general, inaccurately printed. It is now printed, and lithographed in facsimile from the original. The letter was written a few days after the Queen's escape from Lochleven, and when she was rallying her friends at Hamilton, for the purpose, it is presumed, of enabling her to reach Dunbarton Castle. The Queen urges the Laird of Pollok to come to her assistance, and he readily obeyed the call; but the disastrous battle of Langside, which immediately ensued, ruined the hopes of the Queen and her friends.[1]

The requisitions by King James VI. on the Laird of Pollok for a good "halkney" for his Queen (No. 5), and also for venison, etc., for the baptism of Prince Henry (Nos. 8 and 33), exhibit a mode of supplying a sovereign with the necessaries or luxuries he might require, very different from that which has come to be observed in modern times.

The correspondence between King James VI. and Mr. James Sempill of Beltreis, his agent at the Court of Queen Elizabeth, discloses several characteristic traits of those sovereigns. The King, through his agent, watched the proceedings of the Queen with great anxiety; and the wily agent, who in one of his letters, playfully punning on his surname, declares that in his diplomatic proceedings he was as "sharp as Sempill," amused his Royal Master with the gossip of the English Court. In one of his letters to the King, after telling how the Lord Chamberlain Hunsdon had incurred the wrath and displeasure of Queen Elizabeth, by incautiously alluding to her age, Sempill proceeds to report, in the rather awkward phraseology of the letter, that Lord Hunsdon

[1] There is a tradition that Alexander Lord Home, who was of the party of the Regent Murray at Langside, was unhorsed by the Laird of Pollok. This tradition received some confirmation from a criminal charge which was issued by the Justice-Depute to summon several tenants on the Pollok estate to stand trial for cruelly wounding Lord Home at the field of Langside on the 13th of May 1568.—(Original Charge at Pollok.)

told him he "saw her dance throw the windo on Weddnisday the fyft of this" (month) "the spaines pavie to a whissill tabourier; none being with her bot the Lady Warwick."[1]

In making the present selection from the large mass of miscellaneous charters and correspondence preserved at Pollok, my rule has been to include only such documents as tended to the elucidation of the history of the Maxwell family, or were otherwise of general interest. In applying this rule, numerous documents and letters had to be excluded from the selection to be printed. Had space admitted, many more interesting excerpts might have been given from the remarkable diaries of Sir George Maxwell. These are five in number, besides several volumes which contain notes of sermons preached by several ministers at Pollok, Glasgow, etc.; and there are also several small note-books, chiefly occupied with accounts, rentals, etc., by Sir George Maxwell and his son Lord Pollok. The religious diaries, if they may be so called, are a record of the experiences of an earnest and good man. Excerpts from the more secular portions of the diaries are printed. But those other portions, which are of the nature of private confessions by the writer to himself, of his sins and shortcomings, and were never intended for the eyes of others, should not be published without due consideration.[2]

In addition to the materials for this work supplied directly from Pollok, contributions from other sources have greatly aided in completing the Memoirs of the family, which would have been more imperfect than they are but for the use of Maxwell papers liberally granted by several noblemen and gentlemen, including the Dukes of Buccleuch, Montrose, Argyll, and Roxburgh, the Marquises of Abercorn and Lothian, the Earls of Eglinton and Winton,

[1] Vol. ii. p. 36.—The following letter to Lord Pollok from Sir James Stewart, the celebrated lawyer, has recently been found in an old rental book of the Pollok estate. This letter announces the appointment of the writer to the office of Lord Advocate in the following terms:—

"Edinburgh, 6th October 1711.

"My Lord,—I have yours of the 1st. My commission came to my hand on the 2d, and is now past the Seal. I wish it may doe well; but really it is like a dream or jest to myself to make a man of my years and infirmity Advocate: And if it had not bein to set me even with my frieuds that turned me out, and to make way, if possible, for my sone, I had not accepted. Nor doe I really purpos to continue, but to offer my dimission so sone as it may be favourablely accepted. . . . . —I am, my Lord, your Lordships most sincerely,

"Ja. Stewart."

"My Lord Pollok, to the care of John Pedie, merchant, Glasgow."

[2] There is preserved at Pollok an original Confession of Faith, dated at Halyrudhouse, 25th of February 1587. It bears numerous signatures, arranged in six columns. In one column are the signatures of King James VI., the Duke of Lennox, the Earl of Huntly, Chancellor Maitland, David Seton of Parbroth, John Hume of North Berwick, and others. In the other columns there are many signatures of noblemen and landed gentlemen in different counties.

Glasgow, and Camperdown; the Lords Elphinstone, Blantyre, and Polwarth; Sir William Alexander Maxwell of Calderwood, Sir John Heron Maxwell of Springkell, John Hall Maxwell of Dargavel, C.B., Sir Michael Robert Shaw Stewart of Greenock and Blackhall, Sir James Colquhoun of Colquhoun and Luss, Sir George Henry Scott Douglas of Springwood Park, and Sir William Scott of Anerum, Baronets; John James Hope Johnstone, of Annandale, M.P., William Maxwell of Carruchan, heir-male of the Maxwell and Nithsdale family,[1] Wellwood Herries Maxwell of Munsehes and Terraughty, James Stirling Stirling Stuart of Castlemilk, John Gordon of Aikenhead, James Macalpine Leny of Dalswinton, and Alexander Pringle of Whytbank. To all of these noblemen and gentlemen my best thanks are due for having generously allowed me to use their documents; and those of the name of Maxwell have also in many ways facilitated my inquiries during the progress of this work.

Having been professionally engaged for nearly ten years on behalf of the present heir-male of the Maxwell family, in his claim to the titles of Earl of Nithsdale, and Lord Maxwell and Lord Herries, I had during that period many investigations to make both in private repositories and in the public records, and much information was thus collected bearing on the families of Maxwell and Herries, a great part of which was adduced as evidence in the House of Lords in the competing claims for the title of Lord Herries, and part of it has also been made available in these volumes. Although the present work relates to the Pollok branch of the Maxwell family, it was at first intended to have continued the history of the main line of the Maxwells beyond the point of separation of the Pollok line in the fifth generation from Maccus; but the materials bearing directly upon the Pollok family have occupied so much more space than was anticipated, that it would be impossible to do justice to a continued account of the main line without enlarging the present work beyond reasonable bounds. At the end of the general Introduction which follows these prefatory remarks, there is given a Tabular view of the descent of the family, containing the result of much investigation. Further information in regard to the Nithsdale and Herries families will be found in the Cases and Additional Cases presented to the House of Lords for the

[1] It is with much regret that I have to record the death, on 21st May 1863, of Mr. Maxwell of Carruchan, a gentleman whose confidence I had long enjoyed, and from whom I had experienced much kindness.

respective claimants of the title of Lord Herries, and in the Minutes of the Evidence which was adduced in support of these claims, and also in the Case for Mr. Maxwell of Carruchan, claiming the Nithsdale and other titles.[1]

In addition to the sources of information now mentioned, reference may be made to a few documents discovered since the Charters were printed.

In the Memoir of Sir John Maxwell, thirteenth Laird of Pollok, it is stated that, in the year 1616, a proposal was made to him by certain gentlemen of the name of Maxwell to advance money to save the Maxwell estates, and that he should, on the failure of the line of the Lord Maxwell, become the chief of the Maxwell family.[2] In the event of Sir John Maxwell declining the terms proposed, the Earl of Abercorn was to have the offer of taking his place as head of the family. The special proposals which were made to Sir John and the Earl on that occasion have lately been found, in the handwriting of Robert Maxwell of Carlaverock, afterwards Lord Maxwell. The following are the principal parts of these proposals :—

"I being ingageit in fortie thousand ponndis Scotis, and having tryit all the freindship and meinis I can for the reliue of the sam, and finding no posabilitie how to help my present miserie, quhairby I may follow furth the suit at his Majesteis hand for releif of the distressit hous of Maxwell, quhairof, prasit be God, thar is sum hoip :

"I offer to Sir John Maxwell, sò that he vill hesard to ingage him selfe in thes soumis for me, and the veill of that hons quhairof ve ar dissendit, that I sall infeft him in all the landis and possessionis quhich I haue alredie acqueyerit, vpon reversion, and that he sall haue pover to plase factoris and chamerlandis at his plesur for resaving the rentis therof, ay and quhill he be lafullie fred and relivit of the said fortie thousand pundis, as leykveyis quhatsoever landis I sall acqueyer farder at his Maiesteis bandis or anie vtheris, the said Sir Johne sall be presentlie infeft therinto : I offer lykveyis that I sall cause my brother James ratifie quhatsoever sall be contrakit betwixt the said Sir Johne and me. Farder, I offer, if it sall pleis God, to call me and my brother James, that the said Sir Johne sall be nixt in tallie preferit to the hail estet that ve, or ather of vs, sall acqueyeir, and that he sall be our nyxt and immediat heir to vs for that luife he shois at this tyme.

"Farder, I sall giue him libertie to sell anie part of the landis that I am presentlie to infeft him into, spetiallie the barronie of Mernis, Carlenerok, and the rest of the landis resingnit be Sir Jideon Murrey, he alveyis haviug the advyse of the Erle of Abercorne, his Lordship being alyue, and that the said Sir Johne be so stratit for the prinsipall soum that he may not zielie vtherveyes furnish the sam : . . . . . .

[1] The escape from the Tower of the last Earl of Nithsdale, through a clever stratagem of his Countess, was narrated by her in a letter which has been repeatedly published. On that narrative was founded "Tales of the Peerage and the Peasantry," edited by Lady Dacre, in three vols. small 8vo. London, Bentley, 1835. The tale of Winifred, Countess of Nithsdale, occupies the whole of the first and the greater part of the second volume of that work.

[2] Vol. i. p. 46.

"And giue the said Sir Johne Maxwell find nocht him selfe abill to discherge this burding, I offer the sam selfe condisionis to the rycht noble Erle of Abercorne, or anie of his bairns, that it sall pleis him to nominat, they alvey acsepting the name of Maxwell vpon them; and in case his Lordship or they sheuld thynk hard to chenge ther name, I onlie craue ane reversion to my nerest airsmell for the doubill of the soume quhich his Lordship or they sall be ingageit for me." [1]

The Earl of Abercorn, who received this conditional offer of becoming the chief of the Maxwell family, was James the first Earl. He was the eldest son of Claud first Lord Paisley, who was the fourth son of James Duke of Chatelherault, Regent of Scotland. From their residence at Paisley, in the neighbourhood of Pollok and Mearns, the Abercorn family were on friendly terms with the Maxwells, whom they appear to have assisted at the time of the forfeiture of their chief the Lord Maxwell. Yet, in the very next generation, the second Earl of Abercorn, the son of that Earl whose assistance Lord Maxwell had invoked, became, in his turn, even more embarrassed than the chief of the Maxwells had ever been. He was under the necessity of selling the lordship of Paisley, and his other property, which did not clear the debts with which it was burdened. The Earl was in consequence so reduced as to have recourse to the assistance of his friends. His cousin, William Earl of Angus, who, as his trustee, managed the sale of Paisley, lamented the sad case of the honest but unfortunate Abercorn.

While in this reduced estate, the Earl of Abercorn became, by the death of his cousin William Duke of Hamilton, in 1651, the heir-male of the dueal house of Hamilton, a character which has now descended, with many valuable estates, including Paisley, which was re-acquired, to his heir-male and representative the present Marquis of Abercorn, whose position, contrasted with that of his ancestor the second Earl, is an illustration of the great changes which sometimes occur in the history of a single family.

The chief of the Maxwells, who was so much encumbered with pecuniary difficulties when he applied to his cousin of Pollok, and to Lord Abercorn, to assist him, was soon thereafter restored to the title of Lord Maxwell, which had been forfeited by his brother. On the occasion of that restoration, a question was raised by the Lyon King of Arms and his heralds and pursuivants, for the fees on the grant of a new dignity, and not a regrant of the former

[1] Original at Pollok.

peerage. The matter came before the Privy Council on 29th July 1619, at the instance of Lord Maxwell, who set forth,—

"That quhair he is charget . . . at the instance of Lyoun King at Airmes, and his bretherine heraulds and pursephantis, to mak payment . . . of twa hundreth merkis as the fee dew to thame for his alledgeit being laitlie advanceit to the honnour and dignitie of ane Lord of Parliament, as being newlie creat and preferrit to that dignitie, within a certain schorte space nixt efter the chairge vnder the pane of rebellioun, and puting of the said Lord Maxwell to the horne, and intendis, in caise of his dissobedience, to caus denunce him rebell wrangvslie; becaus it is of veritie, that albeit the Lordis of his Maiesteis Preucy Counsaill, be thair act and warrand, hes appointit the dewtie foirsad of twa hundreth merkis to be payit to the saidis personis be all these who hes bene preferrit to the dignitie and honnour foirsaid since his Maiestes moist happie atteyning to the crowne of England, and accordingle hes directit letteris and chairgeis foirsaidis thairvpon zit the act and warrand foirsaid and chairgeis following vpon the same aucht nawyse to haif effect, nor be put to execntioun agains the said Lord Maxwell, in so far as altho it hes pleasit the Kingis Maiestie, oute of his moist princelie and gratious favour, to restore the said Lord Maxwell to the leaving and estaite of the lait Lord Maxwell, his bruther, and to the honnourc, title, and dignitie of ane Lord of Parliament, dew to him before his forfaltoure, zit that honnour, title, and dignitie is nawyse gevin, grantit, and conferrit vnto him as ane new title and dignitie newlie bestowit vpoun him be His Maiestie, since his heynes happie atteyning the crowne of England, Bot be the contrair, the Kingis Maiestie hes restoirit the said Lord Maxwell in integrum to the former antient dignitie of the house of Maxwell, and so hes gevin vnto him no new dignitie, bot only continewit him in the honnour and dignitie of his predecessouris: Lyke as, conforme to His Maiesties gratious favour foirsaid, the said Lord Maxwell hes obtenit him selff sernit and retourit as air to his said vmquhill brother, Johnne Lord Maxwell, Be the quhilk seruice and retoure it is more nor cuident that the Kingis Maiestie hes grantit to the said Robert Lord Maxwell no new honnoure nor dignitie, bot hes licentiat him to be scruit and retourit to his said vmquhill bruther, and so hes onlie continewit him in the honnour of his predecessouris, as said is, and thairfore the said act and warrand, and chairges following theirvpoun, can nawyse be extendit agains the said Lord Maxwell, who is continewit in his predecessouris honnouris, especialie seing gif the saidis chairgeis were extendit agains him, Then might the said Lyonn and his brether exact the lyke dewtie of euerie Lord that sould be scruit to thair fatheris in thair landis and dignitcis, quhilk is nowyse the meaneing or intentioun of the Kingis Maiestie or his Counsell, bot onlic aucht to be extendit agains suche personis who ressauit thair honnouris since His Heynes going to England, who thameselffis nor thair predecessouris wer so advanceit of before."

The Lords of Council adopted the views of Lord Maxwell, and suspended the Lyon King at Arms and his brethren heralds from exacting the stated fee for a grant of a new peerage.[1]

The title of Earl of Nithsdale, which was soon afterwards conferred on Robert Lord Maxwell, was in compensation for the title of Earl of Morton,

[1] Regist. Secreti Concilii, Decreta, 29th July 1619.

which had been conferred on his father in 1581, but soon after restored to the Douglas family. The title of Nithsdale was probably obtained through the influence of the Duke of Buckingham, as Robert Lord Maxwell was married to Elizabeth Beaumont, who was a cousin of the Countess of Buckingham, mother of the Duke.

As bearing upon the custody of the charter-chests, in which the Maxwell and Herries families were interested in the middle of the seventeenth century, reference may be made to proceedings in the Privy Council by John Lord Herries, who succeeded to his cousin, Robert Earl of Nithsdale, in October 1667. A petition, presented by his Lordship to the Privy Council in that month, sets forth that he is undoubted heir of line and tailzie to the late Robert Earl of Nithsdale, who died upon Saturday last; that the whole writs and evidents belonging to the said estate are in the house of Kirkconnell, or some others within the Stewartry of Annandale, or in the house of Mr. William Maxwell, Advocate, in Edinburgh; and that if by order of Council it be not prevented, the same may be abstracted, to the petitioner's great prejudice, who may heavily suffer upon that account. He therefore humbly desired and obtained a warrant and commission to the Earl of Annandale and Lord Drumlanrig, to seal all trunks, cabinets, chambers or rooms, wherein there were any papers or writs suspect to have belonged to the late Earl of Nithsdale, which were not under lock in the house of Kirkconnell, or any other house within their respective jurisdictions, to remain under seal until further order; and also to the Magistrates of Edinburgh, to seal all trunks, cabinets, chambers or rooms, in Edinburgh, belonging to Mr. William Maxwell, Advocate, or in any other house whatsomever within the city, where the saids writs were suspected to be, to remain under their seals until the first Council-day of November next, that the same be opened up in presence of any one of the Lords of Session, and one of their clerks.[1]

The same nobleman had previously, on 3d March 1663, applied to the Privy Council for their assistance in reference to the charter-chest of his maternal uncle, John first Viscount of Kenmure, to whom he was heir of line after the Viscount's son, John second Viscount. The Privy Council Records bear that the Lords, having considered the desire of the petition of Robert Master

[1] Regist. Secreti Concilii, Decreta, 8th October 1667.

of Herries, desiring in regard he allegit himself to be the undoubted heir of line of John first Viscount of Kenmure, his uncle, as being eldest son to the deceased Dame Gordon, Lady Herries, his mother, who was the only sister of the said deceased John first Viscount of Kenmure, and only heir of line to him, after the decease of John second Viscount of Kenmure, his son, and so has the only undoubted succession as heir of line and conquest, and that Gordon of Peningham, heir of taillie, who has at his own hand intromitted with the charter-chest of the said lands, might be decerned to deliver the same to be inventaried and sequestrate in some indifferent persons hands, while the petitioner be heard as the petition at more length bears. The Lords of Council fearing a disturbance between these border kinsmen, ordered Gordon to appear before them to answer the petition; and, in the meantime, both parties to find caution that they should keep the peace, and should make no disturbance nor disquiet each one of them, under the pain of ten thousand merks.[1]

These two cases show that one noble branch of the house of Maxwell looked after the charter-chests in which they were interested in the seventeenth century. In the following century, we fear, less care was bestowed upon the records of ancient families, or even upon objects which merited some consideration from their historical associations. An instance of the truth of this remark occurs among the Pollok Papers. It is a lease by the Crown, with consent of the Barons of Exchequer in Scotland, for the space of four nineteen years, from

[1] Regist. Secreti Concilii, Decreta, 3d March 1663, fol. 352.

The Records of the Privy Council contain some unusual cases. On 3d August 1663, there is a case anent the sale of a wife for a groat. The Lords were appealed to by James Gilkers and Roger Safely, who were tenants within the respective regalities of the Earl of Nithsdale and Lord Herries, against a sentence of Stevin Irvin, Commissary-Depute of Dumfries, who fined each of them £100, the one for having sold his wife, and the other for buying her, and to stand in the "jogges" for an hour on the market-day. The explanation of the sale by the complainers was this:—They were occasionally together on business, and, amongst other discourses, "the said Rodger having in a mirriment desyred the said James Gilkers to wish him to a wyfe, and the said James having jestinglie answered, that provyding he could be quatt of his wyfe, he should be content he might have her for a groat; and he having merrily declared that he was content to accept her upon the pryce without any such real intent indeid." The Lords of Council set aside the sentence of the Commissary, on the ground of its encroaching on the jurisdiction of Lords Nithsdale and Herries.—[Regist. Secreti Concilii, Decreta.]

The Lords of Council appear to have maintained the dignity of their office with a high hand. Sir George Maxwell of Newark was brought before them on 7th September 1678, for using improper language to the preses at a meeting of the Commissioners of Assessment at Renfrew, and was committed prisoner to the tolbooth of Edinburgh, until the Lords considered what further censure should be inflicted on him. Sir George presented a petition to the Council, apologizing for his language as being spoken in a passion, and also for his "carriadge" before the Council. The Lords, on considering his "irreverent carriadge," as he went from the barre, in putting on of his hat before he went out of doors, ordained him to ask the Council pardon upon his knees. He did so, and was set at liberty.—[*Ibid.*]

Whitsunday 1741, to John Cochran of Waterside, of the old house and yard formerly belonging to the Archbishop of Glasgow, and then to his Majesty by the abolition of Episcopacy in Scotland, with power to use the stones and other materials for building such houses as shall be wanting for carrying on a linen manufactory in and about the town of Glasgow. The sum which the tenant was to pay for the use of this house, and the materials of it, was only £3, 10s. per annum,—a small sum certainly for the privilege of making a quarry of the Palace of the Archbishops of Glasgow.[1]

A better spirit has happily returned, and the present century has witnessed the revival of a veneration for valuable objects of antiquity, and a laudable desire for their proper preservation.

The present work may be accepted as an evidence of the truth of these remarks, and as another contribution to family and county history. The late Earl of Eglinton, and the late Colonel Mure of Caldwell, both printed their family papers, which illustrate the history of the ancient houses of Montgomerie and Mure, and throw considerable light on the histories of the counties of Renfrew and Ayr.

The late Earl of Glasgow previously presented to the members of the Maitland Club the Cartulary of the Abbey of Paisley. It is one of the best Registers of the Scotch religious houses, and contains many valuable charters of lands in Renfrewshire and the neighbouring counties, and many documents bearing on the early settlement in Scotland of the Royal family of Stewart. It also illustrates the origin of many noble and distinguished families connected with the west of Scotland.[2]

[1] Mr. Innes, in his interesting preface to the Cartulary of Glasgow, mentions that the bishop of old dwelt in his castle of Glasgow, occupying the site of the modern Infirmary. Of that castle, Sir John Maxwell of Pollok was keeper in the year 1544, as shown in his Memoir. The castle came to be converted into a palace. Mr. Innes adds, that he is unacquainted with its history after the Reformation. He quotes an information to the Barons of Exchequer, in 1720, by an indignant Glasgow merchant, Robert Thomson, who resided near the palace, against "some bad men," who "are become so barbarous and unjust as to carry off the stones, timber, sklates, and other materials belonging thereunto, and to apply the same to their own use."—[Preface, p. lviii.] The Barons of Exchequer were nearly as "barbarous" as the "bad men" complained of, by leasing it for such an ignoble purpose, and also for legalizing its destruction.

[2] The Cartulary of Paisley contains a charter by Walter, the second of the name, grandson of Walter the first Steward, to the Convent of St. Mary at Dalmulin, near Ayr, of several lands for the support of the Convent, which, however, did not long subsist. The boundaries of the lands are minutely described in the charter. One of these boundaries mentions the Stewart's old house (veterem domum meam) at Drumgrane, as upon the banks of the Silreth water, which flowed under it into the Leveren. From this description it is probable that the original residence of the Steward at Drumgrane, which is in the parish of Neilston, had been abandoned

It is in the charter repositories of the old families of Scotland that much of the history of the nation is preserved. The unlocking of these repositories, and making their contents more generally known by means of printing, appears to be a great public service. Acting in this spirit, and following the example of his two late neighbours, already mentioned, as well as of his relative, Mr. Stirling of Keir, the generous owner of the Pollok Papers has printed the present Book of his own Family.

I conclude these prefatory remarks with the agreeable duty of returning thanks to those friends who have assisted me during the progress of the work. More especially am I indebted to two friends whose kindness on this, as on a former occasion, I have much pleasure in acknowledging. I refer to Mr. Roger Montgomerie, Advocate, and Mr. Gilchrist Clark of Speddoch,[1] both of whom are naturally interested in the Maxwells,—the former from the hereditary friendship which has long subsisted between them and his own family, and the latter from his close connexion with the present chief of the Maxwell family.

Mr. Colledge, factor at Pollok, has been a constant and valuable referee for me, on account of his extensive knowledge, derived from a long connexion with the Pollok family; and I gratefully acknowledge the trouble which he has always cheerfully undertaken for me.

Mr. Maxwell of Breoch, factor on the Nithsdale and Herries estates, who has studied more closely, perhaps, than any of his clan, the history of the Maxwell family, has readily assisted me on many points. He has revised with much care the Tabular view of the Maxwell and Herries families, and is pleased to say that "it is the most perfect tree of the family yet published."[2]

Mr. Alexander Sinclair has liberally opened to me his great genealogical collections on the families of Scotland, and from them I have drawn many valuable facts.

by his immediate successors for a new house, which they erected in a more sheltered locality on the banks of the Clyde at Renfrew.

[1] Homer Maxwell of "Speddoches" concurred with others of the name of Maxwell, in wishing Sir John Maxwell, or the Earl of Abercorn, to become chief of the family in 1616.—[Vol. ii. p. 193.]

[2] Mr. Maxwell has since lent to me, from the Charter-Room at Terregles, a letter from Sir John Maxwell of Pollok, and others, dated 24th August 1625. It bears the seal of Sir John, of which a woodcut is annexed.

Mr. Stirling of Keir, whose interest in such works is shown by his own Family Book, although engaged with new important literary works, and with many public duties, has not grudged his valuable time in assisting me by revising, and in many instances, of course, improving, the Memoirs of his Maxwell ancestors.

From long study of the subject, Sir John Maxwell has acquired a great knowledge of the history of his own family, of their territorial possessions, and also of the early history of the county of Renfrew. That knowledge has been freely communicated to me by him. He has given me access to the whole of his family papers with the most generous confidence; and if this confidence has not been turned to so much account as it might have been by abler hands, the fault will rest entirely with myself. I can only say that I have done my best to justify it. My long labours, in various forms, on the history of the distinguished house of Maxwell are now terminated; with what success my readers must judge. I shall always retain a grateful recollection of many kind members of that house, and particularly of the present Good Baronet of Pollok.

WILLIAM FRASER.

32, Castle Street, Edinburgh,
1*st July* 1863.

INTRODUCTION.

THE BARONY OF MACCUSWELL OR MAXWELL.

After the sueeessful invasion of England by the Normans, many noble Saxons sought refuge in the south of Seotland. Amongst these was the progenitor of the distinguished family of Maxwell, Maeeus the son of Undwin, who, with his father, appears on reeord in the time of Alexander I., who reigned from 1107 to 1124. From the value of the lands aequired by him, and their vieinity to one of the most important of the royal eastles, it may be inferred that Maecus was a person of some eonsideration, and that he had great influenee with the king of his adopted eountry. One grant bestowed on Maeeus eomprehended the lands ereeted into the barony of Maeeuswell or Maxwell,[1] whieh lies on the south side of the river Teviot, where it flows past the ruins of the famous eastle of Roxburgh. On the west the barony was bounded by the Teviot, on the north by that river, and by the Tweed after these rivers unite. The parish of Sprouston formed the eastern and part of the northern boundary, whieh was eompleted by the parish of Eekford.

The seenery in the lower parts of the barony, where it is watered by the Teviot and the Tweed, is unrivalled for pieturesque beauty; while from the higher grounds, near Old Spylaw Knowe, there are magnifieent views of the surrounding eountry. To the north may be seen a great part of Berwiekshire, backed by the Lammermoors; to the east, the blue hills of Northumberland; and on the west, the old barony of Lempitlaw and the forest of Bowmont form a foreground to the Cheviot Hills.

This fair domain Maeeus ehose for his prineipal residenee, and here he ereeted a ehureh for the serviee of God, a eastle for himself, and a village and mill for the eonvenienee of his dependants.

Of the eastle of Maeeus, not a stone remains standing. The site, indeed, eannot be determined with absolute eertainty, but it was probably in a field between Pinnaele Hill and the present village of Maxwellheugh, where the ground presents the appearanee of having onee been oeeupied by buildings of

[1] Now chiefly known by the names of Maxwellheugh and Springwood Park.

considerable extent.[1] The celebrated chorographer, Timothy Pont, in his map of Teviotdale, made in the end of the sixteenth century,[2] places a castle near the confluence of the Tweed and Teviot; and Mr. Jeffrey, in a recent work, conjectures this to be the original castle of Maccus.[3] It is more probable that this was the mansion of Brigend, which was standing in this neighbourhood in the time of Pont, and the name of which is printed very close to the castle or tower represented by him.

Towards the end of the sixteenth century, John Earl of Morton, Lord Maxwell,[4] then the male representative of Maccus, had a house at Maxwellheugh, which is mentioned in a List of the Houses of the Noblemen of Scotland prepared for Queen Elizabeth.[5] The elevated position of Maxwellheugh,[6] from which a watch might be kept on the surrounding country, is a much more probable site for an ancient stronghold than the low ground near the banks of the Teviot, which frequently overflows its ordinary channel. A tablet on the door of the mill at Maxwell records that, in 1831, the flood in the Teviot rose about eight feet above its banks.

Not far from the field near Maxwellheugh already mentioned, stands a large mote hill,[7] supposed to have been the mote hill of Maccus, the place where he held his courts and administered justice. Like other similar works, it has long survived the castle with which it was connected. The mote hill, the appearance of the ground, and the favourable position, all point to the field near Maxwellheugh as the site of the original castle of Maccus.

It is not difficult to account for the meagreness of the notices which are to be found of this castle. The immediate descendants of Maccus obtained a grant of the celebrated barony of Carlaverock, in Dumfriesshire, and there erected a

[1] Maxwellheugh must have been larger in the seventeenth century than it is now. King James V., in a letter, dated 2d September [1542], to James Leirmonth of Darsy, his ambassador to Henry VIII., mentions "the town of Maxwellheugh hard on Kelso." This reference to the town occurs in the account of the repelling of a raid by the English into Teviotdale.—[Original letter *penes* the Rev. William Robertson of Monzievaird.] In October 1557, the royal army was convened at "Maxwelheucht," as appears from a Remission dated 6th April 1568, by King James VI. to Sir John Colquhoun of Luss, knight, for absenting himself from the army on that occasion.—[Original Remission at Luss.]

[2] Engraved in Blaeu's Geography, Amsterdam, 1662.

[3] Mr. Jeffrey's Roxburghshire, vol. iii. p. 185.

[4] This nobleman is often mistaken for his kinsman the Regent Morton.

[5] MS. Harl.: 289 f. 179.

[6] At Maxwellheugh, a poplar tree deserves notice as one of the largest in Scotland. In 1859, its girth was 32 feet 6 inches, its height was 92 feet, and it contained 700 cubic feet of timber. In 1825, the late Harriet Lady Polwarth noted that this tree was then supposed to be about 140 years old.

[7] The height of this mote hill is 35 feet, the slope of its sides being 35 yards. It is now enclosed, and forms part of the garden grounds of Pinnacle Hill.

fortress, which became one of the main defences of the south of Scotland, and required all the energies of its possessors to maintain it against the attacks of the English. The influence which the occupants of this important post naturally acquired would induce the Maxwells to neglect their original residence in Roxburghshire, where, although in some measure enjoying the protection of royalty, they must have felt their dignity rather overshadowed by the neighbouring Sovereign.

Although the castle of Maccus thus early ceased to be the chief residence of his descendants, the barony continued in their hands for several centuries, as appears from charters still extant.

John de Maxwell, Lord of that Ilk, or of Maxwell, granted to the Monastery of Kilwinning the patronage of the Church of Libberton, in the county of Lanark, and that grant was confirmed by King David II.[1] Robert, fifth Lord Maxwell, who rendered great services as Warden of the West Marches, and otherwise, to King James V., obtained, on his own resignation, from that sovereign, a charter of Novodamus, dated 6th June 1540, of the lands and barony of Maxwell, Carlaverock, and many others, which were of new erected into the barony of Maxwell, and the Castle of Carlaverock appointed to be the principal messuage thereof.[2] His grandson, John Earl of Morton, Lord Maxwell, protested in the Parliament of 1581, that he had right to hold the lands of Pendicle Hill, Wester Wooden, Saint Thomas's Chapel, the half of the Haugh, and the half of the Mill of Maxwell,[3] within the barony and lordship of Maxwell, free of any claims on the part of Sir Thomas Ker of Ferniehirst and others. It was admitted by the King and Parliament that this protest was well founded.[4]

For the unhappy slaughter of Sir James Johnstone of Johnstone, in 1608, John eighth Lord Maxwell was forfeited, and his lands in Roxburghshire fell into the hands of various members of the family of Ker. His brother, Robert Maxwell, was afterwards restored to the family titles and estates, and appears to have claimed the lands which belonged to Lord John at the time of his forfeiture. But the last connection of the Maxwells with their ancient

[1] Reg. Mag. Sig., lib. i. No. 86.

[2] Original Charter at Pollok.

[3] There is still a corn-mill of Maxwell on the banks of the Teviot nearly opposite to the old church of Maxwell; and about 300 yards to the west of this mill a corn-mill stood till the year 1810.

[4] Acts of Parliaments of Scotland, vol. iii. p. 282.

barony of Maxwell was broken in 1631, when the "fourtie pund land of auld extent of the baronie of Maxwell" was apprised from Robert Earl of Nithsdale, by William Haig of Bemerside. Haig disponed the lands to the Earl of Roxburgh, who obtained a charter from the Crown on the 21st June 1634.[1] On the same day the Earl also got a charter of the lands of "Maxwell-hewche, the half of the land callit Maxwell haueh," and other subjects.[2] By these charters the Earl of Roxburgh acquired the superiority of the lands, which has descended from him to the present Duke of Roxburgh. The property of the lands had already been acquired by Sir Andrew Ker of Greenhead, who changed the name of Maxwell to Brigend from the situation of the house which he built, and of which mention has already been made.

In the middle of the eighteenth century, a dispute arose between Sir William Ker of Greenhead and the Duke of Roxburgh, as to the right of jurisdiction in the barony of Maxwell, Sir William claiming it as proprietor, the Duke as superior. The question was submitted to the Solicitor-General Erskine, and on 6th November 1735, he gave his opinion that the Duke, as baron and superior, had a right of jurisdiction over the barony of Maxwell by his charters, and that the foundation of this right had been acknowledged and homologated by the family of Greenhead. In this dispute Sir William's passions are represented to have been "too strong to bear reasoning." The Duke, on the other hand, declared that he had no wish to injure Sir William, as he had always a great affection and regard for him and his family, and had always shown it whenever he could. But when right and property are concerned, no man ought to take it ill of another if he endeavours to maintain his own right to himself and his family.[3] Where one party was giving way to his "passions," and the other was thus eager to maintain "his right and property," it says much for the judgment of the Solicitor-General that the case went no further.

The barony of Maxwell continued in the possession of the Kers of Greenhead till the middle of the last century, when it was acquired by Sir James Douglas,[4] ancestor of the present proprietor Sir George Henry Scott Douglas, Baronet. Sir James acquired a large part of the lands comprehended in the barony of Maxwell, and changed the name of the property to Springwood Park.

[1] Original in Roxburgh Charter-chest.
[2] Original, *ibid.*
[3] Original Letter, *ibid.*
[4] Second son of George Douglas of Friershaw.

Sueh is the history of the barony of Maxwell. It has been stated by several learned authorities,[1] that Maxwell is a eorruption of the older form Maceusville, the town of Maeeus. But, apart from the incongruity of the Norman "ville" being affixed to the Saxon Maceus,[2] it is remarkable, if Mr. Chalmers and Mr. Riddell are correct, that the form Maccusville never occurs in the earlier eharters, although we find many Norman names with the same termination. The name is always spelt Maceuswell, Maccuswele, or Maxwell,[3] and we must therefore decline to accept the derivation of these authorities if a more probable one can be found.

Not far from Maxwell lies another barony which we shall see presently was in the possession of Maccus and his immediate deseendants, and was probably the earliest residence of Maccus in Roxburghshire, and therefore called Maccustun or Maxton. When Maccus acquired the more important property near Roxburgh, and took up his residence there, the natural name for his new castle was already appropriated, and to make a distinction between it and the old castle, some feature of the surrounding country would be sought. Nor was this hard to find.

Near Maxwellheugh there is a salmon-cast, well known to anglers as Maxwheel (wele, well, or weil being the Saxon for an eddy), the well of Maccus. This eddy wheeled in Tweed before that river had a name; and the eharacter of the rock which produces it must have made it a noted spot before Saxon set foot on Scottish ground. Maccus having fixed his residence on the heights above this eddy, what more natural than that it should be called the wele of Maccus; that his descendants should be spoken of as those who came

[1] Mr. George Chalmers, Caledonia, vol. ii. pp. 180, 188. The late Mr. John Riddell, advocate, in a pedigree of the Maxwell family, commenced it thus: "The family of Maccusville, by corruption Maccus-well or Maxwell." —[Original MS.] The corruption was with Mr. Riddell himself, and not in the ancient charters. Mr. Innes also, in his Notices of the parishes of Maxwell and Maxtoun, follows Mr. Chalmers and Mr. Riddell as to Maccusville. But although Mr. Innes gives twelve different modes of spelling the name of Maxwell, from early charters, he does not quote a single instance of Maccus-ville.—[Origines Parochiales Scotiæ, vol. i. pp. 445, 297.]

[2] That Maccus was a Saxon or Danish name there can be little doubt. Maccus or Maco was the name of one of the kings who did homage to Edgar at Chester in 974. He was King of Anglesea and several islands. William of Malmsbury calls him Mascusius Archipirata. Will. Malm., vol. i. p. 236, London, 1850. Roger de Wendover, p. 415, London, 1843. Matth. West., p. 375, pt. 1.

[3] In the account of the Maxwells of Pollok, written by Mr. Riddell for Sir Bernard Burke's Baronetage, a charter by William the Lion has been misread as referring to "Herbertus Maccusville." The charter is both printed and lithographed in the present work (No. 1, vol. i.); and it will be seen that Herbert is plainly written de Maccus-*well*, not ville. This mistake of Mr. Riddell has misled subsequent writers.

from the neighbourhood of Maeeus wele—de Maecus wele ? If they onee were so designated, their name would soon assume the form of Maxwell.

This derivation is not offered without hesitation, but it appears at least as good as one whieh requires a flagrant violation of the ordinary rules of etymology, and assumes that the seribe who eould spell the names of Morville, Umfraville, and Somerville eorreetly, was eompletely at a loss when he came to the name of Maeeusville.[1] Whether the name be Maeeusville or Maeeuswell, the deseendants of Maeeus have little need of Norman or Saxon derivatives to give lustre to the now Seottish name of Maxwell.

THE CHURCH OF MAXWELL.

The chureh founded by Maceus, survived his more formidable eastle. It was dedicated to Saint Miehael, and situated in the haugh now ealled Brigend Park, near the junetion of the Tweed and Teviot. In the year 1159, Herbert Maeeuswell, Sheriff of Teviotdale, son of Maeeus, granted the ehureh to the monks of Kelso, and, in the same year, the grant was eonfirmed by King Maleolm IV.[2] It was again eonfirmed in 1180, by Joeelyn, Bishop of Glasgow, by King William the Lion in 1195 and 1199, and by Walter, Bishop of Glasgow, in 1232.[3]

Before the year 1180, Herbert granted to this ehureh of Maxwell a eertain oratory, ereeted by him within his eourt of Maxwell, in honour of Saint Thomas the Martyr, along with a toft, and the grant was eonfirmed to the monks of Kelso at the same time, and by the same parties, as the ehureh ;[4] and the part of the oratory and toft was again eonfirmed by Pope Innoeent IV. between the years 1243 and 1254, when the monks entered into an agreement with the lepers of Alenerom that these subjeets should be held in eonnexion with the chureh of Maxwell. Sir John Robsoun, perpetual Viear of Maxwell, along with Sirs John Wauch, John Atkynson, and John Waik, perpetual Viears of Edynhame, Mertoun, and Bolden, witnessed in the Monastery of Kelso, on 20th April 1489, the resignation by John Kerr of Cavertoun of three husband lands in Hownum, in the hands of Walter Ker of Cessfurd, the superior.[5]

Frequent notices of the ehureh and parish of Maxwell are found amongst the rentals of the Abbacy of Kelso, and other original papers. The rentals are

[1] Liber de Melros, vol. i. p. 4.
[2] Liber de Calchou, p. vi.
[3] *Ibid.*, pp. 229, 316, and 319.
[4] Liber de Calchou, pp. 222, 316, and 319.
[5] Original Instrument of Resignation in Roxburgh Charter-chest.

generally undated, but were prepared soon after the Reformation. In a rental prepared about 1567, the following appears :—" The towne of Maxveill, with the manis, yielding in quheit 6 bolls, in beir 1 chalder, in meill 1 chalder 4 bolls : Pendicill Hill, in quheit 1 boll, in beir 4 bolls, in meill 4 bolls ; Ester Voddenc, in quheit 3 bolls, in beir 8 bolls, in meill 8 bolls ; Vester Vodden, in beir 2 bolls, in meill 8 bolls ; Vester Softla, in quheit 3 bolls, in beir 6 bolls, in meill 8 bolls."[1] In 1567, John Pamer, for the " Ferrie Cwbill at Maxveill," was rated at ten pounds.[2] In 1574 and 1576, the stipend of the reader at Maxwell amounted to £16, with the Kirkland, " to be pait out of the third of Kelso be the taxmen or parochiners of Maxwell."[3]

In two other rentals of Kelso, about 1570, the " Cobill fornent Maxwell" is also stated at the same sum of £10 ; and in one of these rentals of the kirks set for money, the kirk of Maxwell is entered at £66, 13s. 4d. ; and in the assignation of Kelso, the kirk of Maxwell is entered for the same sum.[4]

In the taxed roll of teinds of the lordship of Kelso, granted to his Majesty in October 1612, the " Kirk of Maxvill" is stated at £10.[5]

In an information concerning the kirks of the Abbacy of Kelso, prepared about the year 1620, it is stated that the Kirk of Maxwell is " vnplantit."— " Ane litle kirk, and the cure thereof servit be the minister of Kelso. The renttis thereof are small, and in sindrie mennis handis for mony zeiris zit to ryn, and the dutie of the unhibit tax extends onlie to 1^{c} mercis, and the same wes set in tak be Erle Bothvell."[6]

In a paper entitled " Form of the setting downe the teyndis for obedience of the commission, be Mr. James Knox in Kelso," 26th April 1627, the teinds of the Barony of Maxwell are thus stated :—

1. " Inprimis, the nvmber of the communicants being examinit according to the buikis of the examination going befoir the last communion, ar fund to be 14 hunder four scoir threteene. Of the quhilk number, twa hunder threttie three did appertaine to that pairt of the parishe quhilk is callit Maxwell.

2. " This part of the parische quhilk is callit Maxwell past memorie of man, hes bene servit be ministeris of the kirk of Kelso, and wes vnited thereto be the lait erectioun, being ane kirk of the samc Abbacie.

[1] Liber de Calchou, p. 509. [2] *Ibid.*, p. 531. [3] Wodrow Miscellany, vol. i. p. 375 ; Buik of Assignations, vol. i. p. 86. [4] Original Rentals in Roxburgh Charter-chest. [5] *Ibid.* [6] *Ibid.*

3. " The length of the parisehe is about twa myll. The breid ane myll. The kirk standethe dereetlie in the middis.

4. " The minister's stipend is aucht ehalder of wittall, twa part meill, thrid part beir, Lowthiane met; ane hundreth merkis, with vieearigs of Kelso and Maxwell. The vieearigs of Maxwellheughe, worth , possesst of lait be wmquhill Johne Ker of Duddingstown, and now acclaimit be ane bastart of his, and Thomas Ker of Cavers, pretendit tenant to the said Andro Ker, bastart.

" The towne of Maxwellheughe, with the Manis, Wester Wodden, and Howden," (paid) " twa chalder and ten bollas, to wit, of quheit, sex bollas, of beir ane chalder, of meill ane ehalder four bollas.

" Pinnekill-hill nyne bollas, to wit, of quheit ane boll, of beir four bollas, of meill four bollas.

" Eisteir Wodden ane ehalder three bollas, to wit, of quheit thre bollas, of beir aueht bollas, of meill aucht bollas. The teindis of this steiding is led be the possessoris of the ground.

" Wester Softla ane chalder ane boll, to wit, of quheit thre bollas, of beir sex bollas, of meill aueht bollas.

" Chapell, fourteen bollas, to wit, sex bollas beir, aucht bollas meill. The teind of this roume is led by the possessour. The haill teindis of Maxwell parochin are thocht to be worth, communibus annis, sex hunder merk."[1]

In a loeality of stipend made by the Commissioners for Teinds, on 16th December 1635, in favour of Mr. Robert Knox, minister of Kelso, there is provided out of the teinds of Chappell and Pinnacle-hill, belonging to the Lord Jedburgh, eight bolls meal, six bolls bear, with £66, 13s. 4d. money; and out of the teinds of Maxwellheugh, half Brigendhaugh, Kingshaugh, Easter Wooden, and Howden, pertaining to Andrew Ker of Greenhead, two chalders, five bolls, two firlots meal, and ane chalder, four bolls, twa firlots, twa peeks bear.[2]

From a rental of the Earl of Roxburgh's lands in Teviotdale, it appears that, at Whitsunday 1682, the lands in Maxwellheugh, Easter Wooden, Howden, half Brigend Haugh and Kingshaugh, paid yearly of valued teind duty, sixty bolls of vietual, and that the lands of Chappell and Pinnaele Hill paid yearly fourteen bolls of vietual and £66, 13s. 4d.; Wester Softla and Wester Wooden

[1] Original in Roxburgh Charter-chest. [2] Original, *ibid.*

paid yearly of valued teind-duty, £133, 6s. 8d.; and Easter Softla paid yearly sixteen bolls of victual. All these teinds were paid to the minister of Kelso as part of his stipend, with the exeeption of the £133, 6s. 8d. for Wester Softla and Wester Wooden.

In the same rental, the fishing of the water of Maxwell is entered as paying yearly six dozen of salmon at 6s. per piece, £43, 4s.[1]

The parish of Maxwell was "unplantit" in 1620, and appears soon after to have been united to the parish of Kelso. Part of the walls of the church were standing until a late date, but they have now entirely disappeared, having fallen from the united effects of time and neglect, or having been carted away, and converted to some base use by a eovetous contractor. Most of the tombstones have also disappeared, but a few lie scattered about, on which the inscriptions are still legible.[2] For many years the churchyard was not enclosed, and from time to time the plough encroached on the consecrated ground. Thanks to the eare of Sir George Douglas, it is now enclosed.

CHAPEL OF SAINT THOMAS.

The site of the chapel of Saint Thomas has not been so clearly ascertained. Mr. Morton[3] places it about a mile from Maxwell, at Harlaw, where some stone coffins have been found; while Mr. Jeffrey places it on Pinnacle Hill, because the chapel was a pendicle of Maxwell church, and Pinnacle, he says, is a corruption of pendicle.[4] But in a grant by Edward III. to Sampson Hauberger in 1362,[5] it is said to be opposite to Roxburgh, and in another grant, made in the following year, it is described as near Roxburgh; and Stobbie, in his map of Roxburghshire, which was published in 1770, places it near the Maison Dieu, in a field still called Saint Thomas's Chapel lands, or the Chapel Knowe. This is probably the real site of Saint Thomas's Chapel, as neither Pinnacle Hill nor Harlaw ean be said to be opposite Roxburgh.

THE BARONY OF MACCUSTOUN OR MAXTON.

One of the earliest, if not the very earliest, territories acquired by Maccus, on his settlement in Scotland, is ealled Maxton, which is an abbreviation of its

[1] This payment must have been made half-yearly to produce the cumulo amount. No doubt many of these fish were taken out of Maxwheel.

[2] One of the inscriptions is interesting: "Here lyes Alexander Broomfield, who died July the 7th, 1711. His age 84. Also his spouse, Alisone Masone, who died the 22d of July 1711. Her age 83.

[3] Monastic Annals of Teviotdale, p. 110.

[4] Roxburghshire, vol. iii. p. 190-1.

[5] Rot. Scot., vol. i. pp. 857-865.

original name of Maceustoun or Makistoun, the town, dwelling, or manor of Maceus. It is situated a few miles higher up the Tweed than Maxwell, and is separated from it by the parish of Roxburgh. Like the barony of Maxwell, Maxton is a valuable district. It was situated on the south banks of the river Tweed, and probably co-extensive with the parish of the same name.

By the end of the twelfth century, Robert de Berkeley acquired the manor of Maxton; and very soon after that, in the reign of Alexander II., the family of Normanville were the lords of Maxton, through intermarriage, it is said, with the Berkeleys. A charter by John de Normanville is witnessed by Adam de Makustun.[1] John, son of Philip of Maekustun, discharged to the monks of Melros all right of pasture in his land in the territory given to them by his superior, John de Normanville, on receiving an equivalent in the territory of Newton.[2] Alexander de Maxton, of the county of Roxburgh, swore fealty to Edward I. in 1296.[3] These Maxtons were vassals of the Normanvilles as lords of Maxton, and took their surnames as holders of parts of the barony under the Normanvilles.[4]

Other places in the neighbouring district such as Maxpoffle, in the parish of Lessudden, or St. Boswells, have probably acquired their names from Maceus.

The town of Maxton is said at one time to have been capable of furnishing a thousand fighting men.[5] This number is probably exaggerated, but there are traces of ancient buildings to be found in a field between the present parish church and the village, which show that the town was formerly of considerable extent.

The parish church of Maxton was probably built and endowed by Maecus. It was dedicated to Saint Cuthbert; and there are many early grants to, and connected with this church, by the De Normanvilles. The patronage of the church of Maxton was granted by King Robert the Bruce to Walter the High Steward, who conferred it on the monks of Dryburgh,[6] with whom it remained till the Reformation.

[1] Liber de Melros, p. 223.

[2] *Ibid.* pp. 226, 227.

[3] Ragman Rolls, p 157.

[4] Very few families in Scotland bear the name of Maxton at the present day. The principal family of that name is Maxton of Cultoquhey, in Strathearn, now represented by James Maxton Graham, Esq. of Cultoquhey and Redgorton. This family has possessed Cultoquhey for several centuries.

[5] New Statistical Account, vol. iii. p. 117.

[6] Liber de Dryburgh, p. 246. The present church of Maxton is an old building. One of the doors is arched, and the stones have probably been taken from a former church. Fragments of carved stones are built into the gable of the present church.

The barony of Maxton having passed from the immediate descendants of Maccus, is not identified with their history in the same way as the barony of Maxwell, which they long retained as one of their principal manors. It is unnecessary, therefore, to trace its history through a long descent of owners in no way connected with the family to which the barony owes its name.

THE BARONY AND CASTLE OF CARLAVEROCK.

The barony of Carlaverock was acquired by Sir John de Maccuswell, grandson of Maccus, and since his time has remained in the possession of his descendants. There are probably in the repositories of the present proprietor, documents which would prove this conclusively; but the editor has not had an opportunity of examining these repositories; and, as his object is more particularly to illustrate the history of the Pollok branch of the family of Maxwell, it was perhaps unnecessary that he should make any such examination. It will be sufficient to accept the received tradition of the acquisition of the barony of Carlaverock, and to give a slight sketch of its celebrated castle.

From its situation at the mouth of the river Nith, commanding the approach from England to the whole of the south-west of Scotland, the importance of Carlaverock as a fortress must have been appreciated at a very early date, and doubtless Sir John Maccuswell would do his utmost to make his castle worthy of the post which it was to defend.

The situation of the original castle is about three hundred yards from the present ruin, and from the appearance of the ground in its neighbourhood, the waters of the Solway must, in the time of Alexander II., have been close to the castle walls. A minute description of the castle is given by Walter of Exeter in his history of the siege of Carlaverock (a contemporary work), which has been translated by Sir Nicholas Harris Nicolas, from whose translation the following account of the castle and the siege is taken :—

Carlaverock was so strong a castle that it did not fear a siege, therefore the King came himself, because it would not consent to surrender; but it was always furnished for its defence whenever it was required, with men, engines, and provisions. Its shape was like that of a shield, for it had only three sides all round with a tower on each angle; but one of them was a double one, so high, so long, and so large, that under it was the gate with the

drawbridge, well made and strong, and a sufficiency of other defences. It had good walls, and good ditches filled to the edge with water: and I believe there never was seen a castle more beautifully situated; for at once could be seen the Irish sea toward the west; and to the north a fine country surrounded by an arm of the sea, so that no creature born could approach it on two sides without putting himself in danger of the sea. Towards the south it was not easy, because there were numerous dangerous defiles of wood and marshes; ditches where the sea is on each side of it, and where the river reaches it; and, therefore, it was necessary for the host to approach it towards the east, where the hill slopes.

Such was the fortress which Edward I., on his invasion of Scotland in 1300, found it necessary to reduce. In the end of the year 1299, he summoned all who owed him military service to attend him at Carlisle, on the feast of the nativity of St. John the Baptist next ensuing, to serve against the Scots. The command was punctually obeyed, and about the first of July the English quitted Carlisle. No fewer than eighty-seven of the most illustrious peers of the realm were present, and at the head of this gallant body marched Edward himself; his eldest son, the Prince of Wales, commanding one of the divisions of the army. According to the poet, the castle of Carlaverock was not "taken like a chess rook," but by "thrusts of lances, and engines raised and poised."

Edward reached Dumfries on the 10th, and on the 12th of July he was in possession of Carlaverock, but not without hard fighting for a night and day before the valiant little garrison could be brought to surrender, although they numbered only sixty men of all ranks, "who were beheld with much astonishment." The incidents of the siege are described in a most lively manner by Walter of Exeter, who gives the armorial bearings of each knight as he describes his doughty deeds.

Although the poet is most minute in his descriptions of the besieging army and its commanders, he says nothing of the besieged, except that each was presented with a new robe. Perhaps hard fighting had defaced the armorial bearings on the shield of the commander, who was probably either Sir Herbert de Maxwell, or his son Eustace.

The castle remained in the possession of the English for twelve or four-

teen years. On the 12th May 1309, the Sheriffs of Somersetshire and Dorsetshire were commanded to send 150 quarters of corn and malt for provisioning the castles of Carlaverock and Dumfries ;[1] and on 30th April 1312, Sir Eustace Maxwell holding Carlaverock for Edward II., received from him a remission of an annual rent due by him to the treasury of Berwick, to enable him to make the castle secure against the snares of his Majesty's Scottish enemies.[2] Soon after this date, Sir Eustace appears as a warm supporter of Robert Bruce. The castle was again besieged by the English, and after a siege of several weeks, Sir Eustace having compelled the English to retire, destroyed the fortifications lest they should ultimately fall into the hands of the enemy. For this sacrifice King Robert compensated him by the grant of an annual rent, "pro fractione castri de Carlaverock," and released him from a payment of £32 due from his lands. Sir Eustace died between the years 1340 and 1342, and was succeeded by his son Herbert, who restored the fortifications thrown down by his father, and having sworn fealty to Edward III. in September 1347, was, on the fourth of that month, formally taken under the protection of that King,[3] and continued to hold the castle until the year 1355, when it was seized by Roger Kirkpatrick, who reduced the whole of Nithsdale to obedience to the King of Scotland. Kirkpatrick resided at Carlaverock until the year 1357, when he fell a victim to the vengeance of Sir James Lindsay.[4]

About this time the castle was dismantled and allowed to fall to ruin. Little now remains of it but the foundations. From these, however, the accuracy of the description given by Walter of Exeter has been fully tested.

Sir Herbert died without issue, and his estates devolved upon his cousin Sir John Maxwell, who, in 1371, resigned them in favour of his son Sir Robert. Sir Robert built the present castle, or it may be more correct to say a castle on the site of the present ruin ; for many "castings down" and rebuildings were executed before the castle was finally deserted by the family. In 1425, in the time of Herbert first Lord Maxwell, Murdoch Duke of Albany was imprisoned in the castle of Carlaverock on a charge of high treason, and the tower in which he was confined is still called Murdoch's tower. Herbert himself was arrested

[1] Rot. Scot., vol. i.
[2] *Ibid.* vol. i. p. 110.
[3] *Ibid.* vol. i. p. 704.
[4] Sir James Lindsay suffered death for this murder in June 1357. He was the husband of Egidia Stewart, half-sister of Robert II., afterwards wife of Sir Hugh Eglinton, Justiciar of Scotland.

at the same time, but was afterwards released. Carlaverock appears to have enjoyed a long period of peace, for nothing is heard of it in history until the year 1542, when James V. took up his abode there for a short time, preparatory to that invasion of England which resulted in the unfortunate rout of Solway Moss, where Lord Maxwell was taken prisoner, and only restored to liberty on payment of 1000 merks.

Henry VIII. was much impressed with the importance of Carlaverock, and instructed his envoy, Lord Wharton, "ernestly to travail with his Lordship (Lord Maxwell), for the delivery thereof into his Majesty's hands, if with money and rewards and other large offers the same could be obtained." But the envoy's travail was in vain. Lord Maxwell remained faithful to his country, and in peaceful possession of his castle until the time of Henry's successor.

In 1568, Lord Maxwell and his uncle, Sir John Maxwell, then Lord Herries, fought for Queen Mary at Langside, and, after her defeat there, carried her in safety to Dundrennan Abbey. This loyal conduct drew down upon the Maxwells the wrath of Queen Elizabeth; and the Earl of Sussex, who was sent with an English army to support James VI. after the murder of the Regent, "took and cast down the castles of Carlaverock, Hoddam, Dumfries, Tinwald, Cowhill, and sundry other gentlemen's houses, dependers on the house of Maxwell." The castle of Carlaverock, however, was not entirely demolished. Camden, in 1607, describes it as a weak house of the Maxwells, so that it is probable that Sussex only destroyed the fortifications. In the following year John, Lord Maxwell, was forfeited for the slaughter of the Laird of Johnstone. The forfeiture, however, was only temporary, and Carlaverock and the other estates were restored to Robert, first Earl of Nithsdale, who forthwith proceeded to renew the fortifications and improve the mansion-house. Much, if not all of the decoration, as it at present exists, is due to his taste. Lord Nithsdale was an earnest supporter of Charles I., and spent his whole fortune in support of the Royal cause. In 1640, the Covenanters laid siege to his castle, and unsuccessfully for thirteen weeks; but at the end of that time, his Lordship received letters from the King, directing him to surrender the castles of Thrieve and Carlaverock on the best terms he could obtain. In obedience to these directions, Carlaverock was surrendered, and the garrison were allowed to march out "with their

arms and shott, and with all their bags and baggage-trunks, household stuff belonging, on their honour and credit, to his Lordship and them, leaving the cannon superplus of ammunition and other provisions." Lord Nithsdale retired to Langholm, whilst the captors not only stripped the castle of its furniture, but dismantled the building itself.

Some notion of the magnificence of the Earls of Nithsdale may be gathered from a note of the household "stuff intromitten with," by Lieutenant-Colonel Home at Carlaverock:[1]—"There were five beds, two hung with silk and three with cloth, with massy silk fringes of ane quarter deep, with chairs and stools answerable; every bed estimate to £110 sterling; ten lesser beds estimate to £15 sterling; and seventy other beds for servants, consisting of feather-bed, bolster, rug, blankets, and estimate to £7 sterling a piece." This item perhaps gives one a higher notion of the luxury of this establishment than the two beds of silk. The drawing-room was hung with cloth of silver; the chairs and stools in it were covered with silk and velvet, fringed with silver or silk. The luxury of furniture was accompanied by the more unusual luxury of books. Colonel Home removed a library which had cost Lord Nithsdale £200.

The intromissions of Colonel Home put an end to Carlaverock as a residence. It has remained a ruin ever since.

In 1667, the estates devolved upon John Maxwell, Lord Herries, who resided at the Herries mansion of Terregles; and this being so near the Castle of Carlaverock, removed any inducement which there might have been to restore the latter. The estates have remained in the family ever since, and are now in the possession of William Constable Maxwell of Everingham, in Yorkshire, and of Nithsdale, the heir-general of the family, who, in 1858, was found by the House of Lords entitled to the barony of Herries, after a protracted contest with William Maxwell of Carruchan, the heir-male of the family and of Sir John Maxwell, Lord Herries.

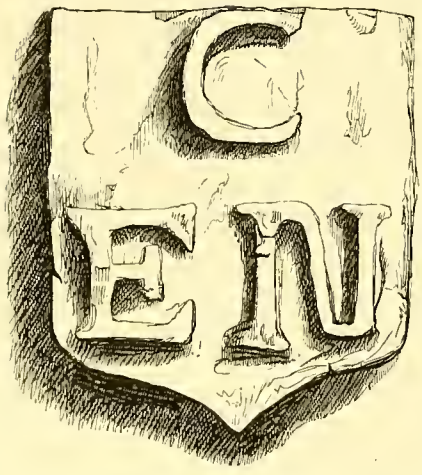
HERALDIC DECORATIONS AT CARLAVEROCK.

Over the arch of the gate of the castle is placed a large stone containing in the centre the crest of the Earls of Nithsdale. This is a stag attired proper, lodged before a holly-bush, with a shield resting on its fore-legs, bearing the Maxwell saltire, with the motto below, "I bid ye fair." The four corners of

[1] Printed in the Siege of Carlaverock.

this stone contain armorial bearings. In the dexter and sinister chief corners are the Royal arms of Scotland, and the double-headed displayed eagle of the Maxwells. In the dexter corner of the base are the arms of Maxwell impaled with those of Douglas or Mar, being a bend between six crosslets; and in the sinister corner of the base are the arms of Stewart of Dalswinton, whose daughter was married to Sir Herbert Maxwell, father of the first Lord Maxwell.[1]

The castle-yard which is entered by this gateway is also triangular. The east side of the triangle, which constituted the family residence, is three storeys high, and fifty-five feet long. The masonry of this part is finer than any other remaining portion of the building. The doors and windows are all handsomely sculptured. On the pediments of the lower storey are the armorial bearings of the Nithsdale family, with the initials of Robert the first Earl, who was the restorer of this part of the castle. The annexed woodcut shows the initials of his wife, Elizabeth Countess of Nithsdale, which are on the pediment above the second door of the first storey. Above the first window is a heart-shaped shield, with the plain Maxwell saltire. Above the second stair-case window is a shield with the double-headed eagle, charged with a shield and saltire surmounted by an Earl's coronet. The fourth stair-case window contains arms similar to those above the second, without the supporters. Above the fourth window is placed the crest of the Earls of Nithsdale; the stag lodged under a holly-bush.



The carving above the first court-door is nearly destroyed, but it had

[1] Near the entrance gateway there is lying a large armorial stone, partly broken. It contains a shield with a double-headed eagle displayed, surmounted with an escutcheon bearing a saltire. On the sinister side is part of a stag as a supporter. The dexter side is broken off. Part of a scroll at the foot contains these words . . . D · THE · FAIR · On a measurement of a window now built up at the entrance to the banqueting-hall, it would appear that this stone had been fitted into it. The motto may have reference to the hospitality of the hall, rather than the hill of Wardlaw where the gibbet stood, as stated by Pennant in his tour in 1772, published in 1795, vol. ii. p. 113. On another old carved stone lying in the entrance is this motto:—"Qvam . Grave . Servitium Est . Quod . Levis . Esca . Parit."

apparently been a large eagle, and a rose on each side of the shield at the base.

Above the first window, on the second storey, is another shield supported by two cherubs, bearing a double-headed eagle, charged as before, with a shield and saltire surmounted with an Earl's coronet. Under the shield is a human head, with two hands drawing the jaws apart in a grotesque manner.

Above the second window of the second storey, on the dexter side, is a tree, from a branch of which is suspended a small shield bearing the Maxwell saltire. There is also suspended from the same branch an Earl's coronet. Below the coronet and shield are the initials R. ^{E} N., evidently for Robert Earl of Nithsdale. On the sinister side of the same window, there is suspended, from a branch of another tree, a shield, apparently the same as the one on the dexter side, with a saltire; but it is moss-grown and indistinct. Another coronet is suspended from a separate branch, and below, the initials E. ^{C} N., for Elizabeth (Beaumont) Countess of Nithsdale. The cord which suspends the two coronets is interlaced with the letters E for Earl, and C for Countess.

Above the third window of the second storey are three figures, with the letters R. N., evidently for Robert first Earl of Nithsdale, the restorer of this part of the castle.

Over the three windows of the third storey are carvings of subjects taken from Ovid's Metamorphoses.

The opposite or west side of the court is plain. A handsome doorway on the south side of the court leads to the great banqueting-hall, which is flanked by the two towers at the base of the triangle, and is one hundred and four feet long by twenty-six feet broad.

Grose, in his "Antiquities of Scotland," has three separate engravings of the Castle of Carlaverock, and one of these, showing the south-west aspect, forms the frontispiece of his work. The other two consist of views of the east side, and the south-west more to the eastward than the view first mentioned.[1]

Mr. Billings also, in his Baronial Antiquities of Scotland, has three engravings of the Castle of Carlaverock, consisting of a general view, the entrance gateway and flanking towers, and the court-yard, besides woodcuts of the

[1] Grose's Antiquities of Scotland. Frontispiece, and pp. 159-168.

interior of the entrance tower and the portcullis room.[1] A lithographic view of the Castle is included in the present work.

THE BARONY OF MEARNS.

The barony of Mearns was another valuable property, acquired by the Maxwell family at a very early period. It is situated in the east of the county of Renfrew, and the name Merns, Mernes, Mearnes, and Mearns, as it is variously spelt, is very descriptive of its peculiar features, as very suitable for pasturage, and as having always been, to a great extent, a dairy and hay producing district.

Mearns is an inland territory, and from no point in it is there even a view of the sea, above the level of which it rises 500 or 600 feet. It has no high hills or large rivers to add grandeur to its scenery. The beauty which it possesses is derived from the undulating character of the ground, and from the small lochs which are situated in the upper part of the barony, in what is termed the muir or commonty of Mearns, a large tract of pasture land to which of old the several proprietors had right of pasturage, but which is now divided amongst the respective heritors.[2] The largest of these lochs are the Brother Loch, about three miles in circumference, and the Little Loch, the Black Loch, and the White Loch, which are nearly of the same size. They are all well supplied with trout and other fish of excellent quality.[3]

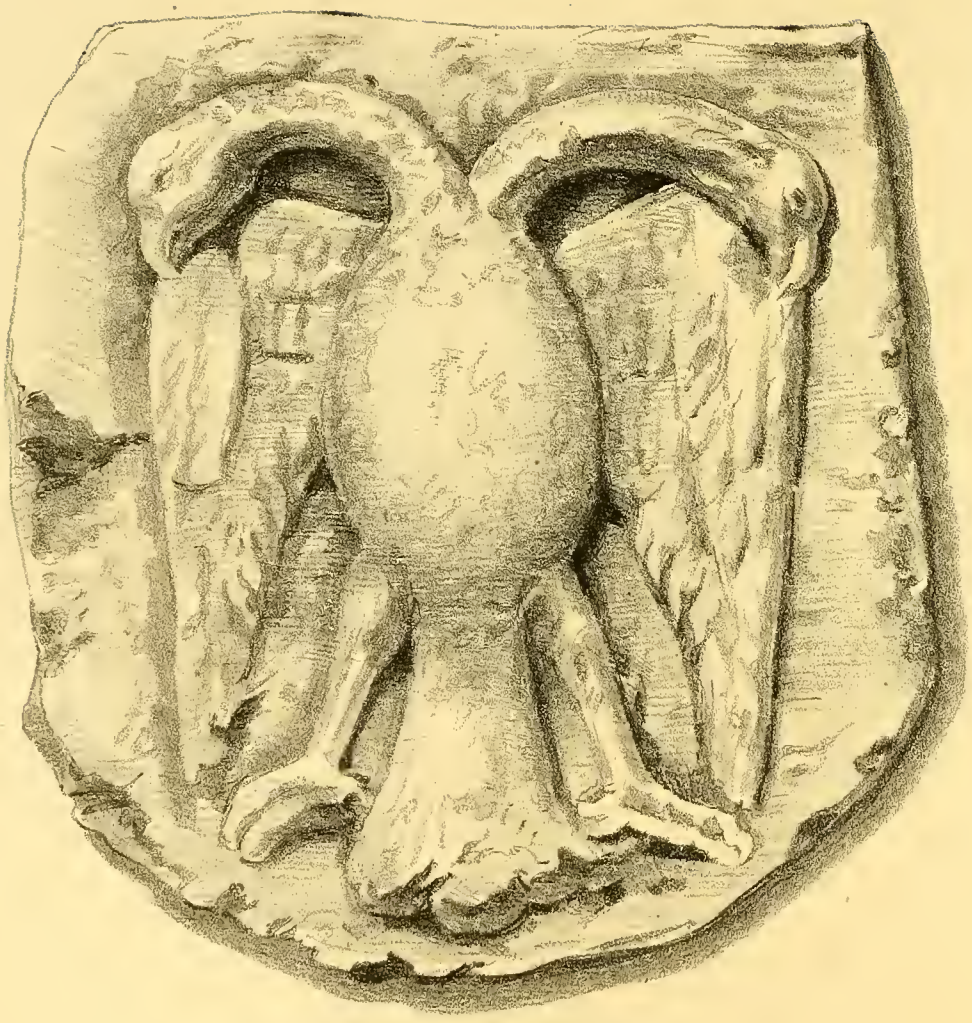
This valuable barony was acquired by the Maxwell family about the middle of the 13th century, and continued to be their property for about four hundred years. It was acquired from the family of de Mearns, of whom there are several notices in charter records. Mearns is not named among the Renfrewshire lands which were granted by David I. to the High Steward, as confirmed by King Malcolm IV. The first proprietor of these lands designated of Mearns is Rothland, or Rolland de Mearns. He witnesses a charter by

[1] The Baronial and Ecclesiastical Antiquities of Scotland, by R. W. Billings. William Blackwood and Sons, Edinburgh and London, 1845-52. 4to, vol. i.

[2] While Sir George Maxwell of Pollok was proprietor of Mearns, the division of Mearns Muir caused him much anxiety, owing to the numerous claims of the vassals, which he was unwilling to recognise. On 1st January 1657, he notes in his diary that he was exceedingly moved to know God's mind on the division of the muir.—Vol. i. p 367.

[3] The *Salmo savelinus* has been long a denizen of the lakes of Mearns. The flesh is red, and the fish is generally about a foot long. Upwards of a century ago, Anne Duchess of Hamilton caused a number of live trout to be taken out of the lakes at Mearns, and put into the Avon at Strathaven, where she then resided. The breed is still extant, and goes by the name of the Duchess Anne trout.—[New Statistical Account of Scotland, vol. vii. p. 516.]

CARLAVEROCK CASTLE.



THE DOUBLE-HEADED EAGLE OF NITHSDALE

FROM ARMORIAL STONE AT CARLAVEROCK CASTLE.

Esehina, wife of Walter the High Steward, to the monks of Paisley, of the lands of Molle, which must have been granted, at latest, before the year 1177, when her husband, one of the witnesses, died.[1] Rodland de Mearns also witnesses a eharter by Niehol Costentin to the same monks, of some lands in Innerwick, about the year 1200,[2] and another by Alan, son of Walter, to the same, of lands between the Kert and Grif, about the same time.[3]

The next baron of Mearns who appears on record is Nieholas de Merns, who was son of Rolland. Along with John Mundegumery and other four knights of the Steward, Nieholas the son of Rolland, granted a charter to the Abbey of Melrose of lands at Innerwick. The eharter is not dated; but it was probably granted about the year 1170. The seal of Nicholas de Mernis is still appended to this eharter. It is of an oval shape, charged with a *fleur-de-lis*, not on a shield.[4] An engraving of it is annexed. The seal of John de Mundegumery whieh is appended to that charter also bears a *fleur-de-lis*.

Robert de Mearns is the next baron of Mearns. On the 1st June 1250, he witnessed a lieenee by King Alexander III. to the monks of Paisley to rebuild and repair the fishing pond on the Leven near Dunbarton.[5] He was probably the grandson of Rolland; and Riehard of Merness who, in 1262, witnesses a eharter by Cecilia, spouse of John of Perthee, of some lands in Rutherglen, to the monks of Paisley, seems to have been a younger brother of Robert.[6] Mary de Mearns, who was married to Aymer de Maxwell before 1255,[7] became heiress of the family, and brought the barony of Mearns to her husband, Aymer de Maxwell.

This appears to be the most probable account of the aequisition of Mearns by the Maxwell family, though there has not been found any strietly legal evidenee of the affiliation of Mary of Mearns, the wife of Aymer de Maxwell. A MS. history of the Maxwell family in the British Museum,[8] says that "Homer

[1] Registrum Monasterii de Passelet, p. 74; Chronica de Mailros, p. 88.

[2] Registrum Monasterii de Passelet, p. 116.

[3] *Ibid.* p. 15.

[4] Original charter among Melrose charters, belonging to the Duke of Buccleuch. Liber de Melros, vol. i. p. 51. Memorials of the Montgomeries, Earls of Eglinton, vol. ii. p. 1.

[5] Registrum Monasterii de Passelet, p. 215.

[6] *Ibid.* p. 377.

[7] Rymer's Foedera, vol. i. p. 329.

[8] 3538 Cod. Harleian Collections. This history of the

(Aymer) Lord Maxwell of Carlaverock and Mernes, [is] recorded to have been present in Parliament holdin by King Alexander the 2d in the 21 year of his reigne, anno 1244, and so to have been a Lord of Parliament," [and that] "he married Marie Makgaghan heretrix of the Mernes."

THE CHURCH OF MEARNS.

The Maxwells first appear on record as proprietors of Mearns about the year 1300, and the earliest notices of them in this character relate to the church and mills of Mearns, and the ancient burgh of barony of Newtoun of Mearns. Of the church of Mearns there are notices as early as the time of Rolland de Mearns. Between the years 1177 and 1199, Peter of Polloe granted a charter to the monks of Paisley, confirming to them the church of Mernis, with the lands and teinds of the same, as they had been granted by his brother Helyas.[1] This gift was also confirmed to them during the same period both by King William the Lion, and Joceline, bishop of Glasgow;[2] and again on the 12th June 1219, Pope Honorius III. confirmed the churches of Mernis, Polloc, and others, to the same monks.[3] About the year 1300, Herbert of Maxuel, knight, made a donation of six merks out of the revenues of his mills of Merness to the parish church of Merness, and at the same time came under an obligation to the Abbot and convent of Paisley to find a chaplain to officiate in the said church.[4]

The village of Newton of Mearns also appears on record as the property of the Maxwell family, as well as the church and the mills, in the close of the thirteenth or beginning of the fourteenth century. Between the years 1272 and 1316, the same Herbert of Maxuel, Knight, granted to the churches of St. James and St. Mirrin of Paisley, and the monks there serving God, $8\frac{1}{2}$ acres and 28 perches of land in the Newton (nova villa) of Mearns,—thus giving to the village an authenticated history of about 600 years.[5]

The lands and barony of Upper Pollok, possessed by the Polloks of that Ilk, held of the Maxwells, Lords of Mearns, as superiors.[6]

Maxwells, although referred to here for a particular fact, as to which it is believed to be correct, it must be confessed, is obviously very inaccurate in other particulars. Crawfurd also states a similar account of the acquisition of Mearns.

[1] Registrum Monasterii de Passelet, p. 98. Helyas was a churchman and canon of Glasgow.—[Liber de Melros, vol. i. p. 60.]

[2] Registrum Monasterii de Passelet, pp. 100, 101.

[3] Vol. i. p. 121. [4] *Ibid.* 126, 127. [5] *Ibid.* 125.

[6] Precept, vol. i. p. 294. In the account of this parish in the Origines Parochiales, vol. i. p. 98, it is stated that the High Steward gave Mearns, along with Upper

THE CASTLE OF MEARNS.

About a mile to the south-east of the village of Newton, and on a rocky eminence, stands the castle of Mearns. The licence to build a castle was granted by King James II. to Herbert, Lord Maxwell, on the 15th March 1449, and conferred on him full power to build on his lands lying within the barony of Mearns, in Renfrewshire, a castle or fortalice; to surround and fortify the same with walls and ditches; to secure it by iron gates; and to erect on the top of it all such warlike apparatus as might be necessary for the defence thereof.[1]

From the architecture of the present castle, there can be little doubt that it was built soon after the date of this licence. It is probable that the castle of Rolland of Mearns had stood on the same rock, and had fallen into decay by the time that Herbert, Lord Maxwell, obtained the licence to build a new castle.[2] The castle of Mearns consists of a quadrangular tower, with walls about eight feet thick, in which are windows and loopholes. It was surrounded by a strong wall and ditch, and the entrance was secured by a drawbridge, the remains of which may still be traced.

Mearns Castle continued to be one of the principal residences of the Maxwell family for two centuries after its erection. But as the Lords Maxwell had other castles at which they resided more frequently than at Mearns, they appointed constables and keepers of that castle, who levied duties for the keeping of it.[3] Lady Elizabeth Douglas, Countess Dowager of Mortoun, sought the quiet and repose of the castle of Mearns in the summer of 1593, after the slaughter, in the preceding December, of her husband, John, seventh Lord Maxwell, father of John Lord Maxwell, Earl of Morton. On the 12th March 1593, her ladyship wrote to Sir John Maxwell of Pollok, stating that, God willing, she was to repair to her lands and castle of Mearns, to take up her residence there for the most of the ensuing summer, and requesting him to

and Nether Pollok, to a family who assumed their surname from the lands of Pollok. They disappeared, it is added, in the war of the succession. This statement is not borne out by the charter records. The Polloks of Upper Pollok never were the proprietors of Mearns and the Lower Pollok. The family of De Mearns possessed Mearns as early as the time of the High Steward, and were succeeded by the Maxwells. Lower Pollok was never, any more than Mearns, the property of the Polloks of Upper Pollok. It was the property of a younger son of the House of Maxwell before the time that the Polloks of Upper Pollok are said to have lost it.—[*Vide* Notes, 1 and 2, p. 2, *infra*.]

[1] Vol. i. p. 167.

[2] The erection of such castles as Mearns and Carlaverock, in the same century, must have been very costly to the Lords Maxwell.

[3] Letter of Bailliery, vol. i. p. 245.

give up the keys to her servants, that the necessary repairs might be made for her reception.[1]

Soon after this the castle of Mearns became for a time the residence of her Ladyship's unfortunate son John, eighth Lord Maxwell. He was of a bold and vindictive disposition, determined to revenge on the Johnstons his father's death, and was in consequence commanded by the King to live in Clydesdale, and not to appear within Dumfriesshire. He returned to the south, however, in the summer of 1601, plotting, it is said, the death of his rival, the Laird of Johnston, whom he met and shot on the 6th April 1608, for which he was beheaded at the Cross of Edinburgh, 21st May 1613.[2]

The lands and barony of Mearns continued in possession of the Lords Maxwell and Earls of Nithsdale till about the year 1648 or 1650, when Robert, the second Earl, on account of the pecuniary difficulties in which he was involved, through the large sums of money spent by his father in support of Charles I. during the civil wars, sold them to his kinsman, Sir George Maxwell of Pollok. They did not long continue in the possession of Sir George Maxwell. He sold them to Sir Archibald Stewart of Blackhall, about the year 1660; and his representative, Sir Michael Robert Shaw Stewart, M.P. for Renfrewshire, is the present proprietor of Mearns.[3]

Although long since deserted as a residence, the castle of Mearns has occasionally, in recent times, been enlivened by a gay assemblage. The Mearns troop of Yeomanry Cavalry used to hold annual balls in the hall of the castle. Several apartments were fitted up for these meetings, with some appearance of modern comfort.

A view of the castle as it now stands is here given, along with a bronze ewer which was found in the meadow near the castle about forty years ago.

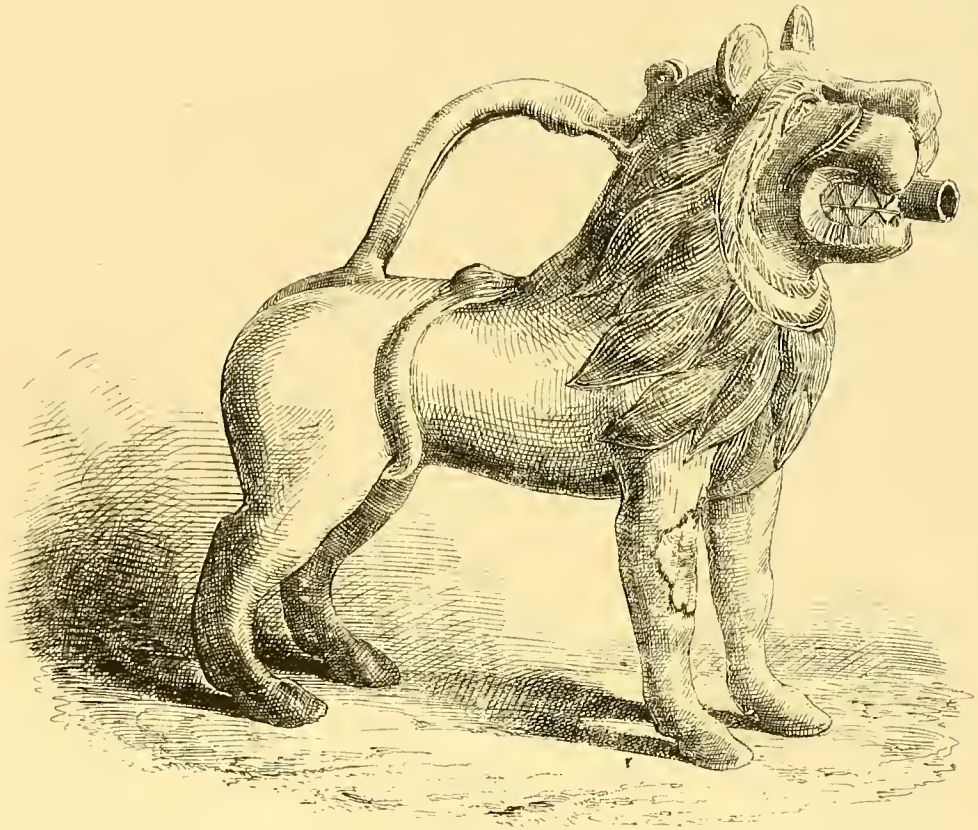
[1] Vol. ii. p. 173.

[2] New Statistical Account of Scotland, vol. vii. p. 519; Chambers' Domestic Annals, vol. i. pp. 410, 447.

[3] Crawfurd's Renfrewshire, p. 36; and vol. ii. p. 289.

MEARNS CASTLE,

RENFREW-SHIRE.



BRONZE EWER,

FOUND IN THE CASTLE MEADOW AT MEARNS CASTLE, RENFREWSHIRE.

Undwin and Maccus, c. 1070-1150.

THE FIRST FOUR GENERATIONS OF THE MAXWELLS.

The name of Undwin is only known in connexion with that of his son Maccus, who, as we have already seen, acquired the barony of Maccuswel, and was the founder of the family of Maxwell. It is probable that Undwin was born about the year 1070, and was a person of some consideration in England, that either he or his son having been driven from their English possessions by the Norman conquerors, took refuge in Scotland, and there was received into favour by the King. The only certain fact which is known about him is that he had a son Maccus, and this appears from an inquisition by David Prince of Cumbria, afterwards David I. of Scotland, concerning the lands, churches and privileges belonging to the church of Glasgow, to which Maccus, son of Undwin, is a witness.[1] This charter must have been granted before 1124, when David ascended the throne. Maccus son of Undwin is witness to a charter granted by David, then king, to the monks of Melrose, of the lands of Melrose, Eldune, and Dernewic, in the forests of Selkirk and Traquair, and of the lands of Galtuneside.[2] This charter is not dated, but it was probably granted in the early part of David's reign. These are the only occasions on which the name of Undwin appears. Maccus himself is witness to another charter by David, before his accession to the throne, for founding the monastery of Selkirk,[3] and frequently appears in connexion with his sons, of whom he left four.

1. Herbert, who succeeded him.

2. Liulfus, who is frequently a witness under the designation of "son of Maccus." Thus he is a witness to a charter of confirmation by Robert de Landeles and Muriel his wife to the monks of Melrose, of lands in the territory of Brockesmuth, before the year 1174;[4] to several charters to the monks of Melrose during the reign of William the Lion; to a charter to them by the High Stewart of the lands of Machelin in Kyle; and to a charter by Philip de Valloniis to the same monks of the lands of Ringwde,[5] granted before 1174, as Osbertus, Abbot of Gedewode, who is also a witness, died in that year.[6] Liulfus left a son, Uchtred, who appears in the charter next cited.

[1] Anderson's Diplomata Scotiæ, where this deed is engraved. Registrum Episcopatus Glasguensis, p. 5.
[2] Liber de Melros, p. 4.
[3] Liber de Kalchou, p. 4.
[4] *Ibid.*, p. 259.
[5] Liber de Melros, pp. 56, 57, 141.
[6] *Ibid.*, p. 86.

THE FIRST FOUR GENERATIONS OF THE MAXWELLS.

3. Edmund de Maccuswell, who witnesses a donation by Uchtred, son of Liulf, to the church of St. Mary of Kelso, of the church of Molle, and adjacent lands, about 1152.[1]

4. Robert, to whom William the Lion granted a carucate of land in the territory of Lesedwin, by a charter dated 28th December 1200.[2] Robert witnesses two charters preserved among the Melrose charters, granted in the reign of William the Lion,[3] and an amicable convention between the Bishop of Glasgow and the Abbot and convent of Kelso concerning the cession by the latter of their right in the church of Campsie to the church of Glasgow, on 28th December 1221.

Maccus probably died about the year 1150. He was succeeded by his son,—

III. Herbert de Maccuswell, 1140-1200,

Who, from the numerous occasions on which he was a witness to charters granted by William the Lion, appears to have been much about the court of that king; and from his holding the highly important office of Sheriff of Roxburghshire, must have been much trusted by his sovereign. The earliest notice which we have of Herbert is in 1159, when Malcolm IV. confirmed to the monks of Kelso a grant of the church of Maccuswell, made to them by Herbert de Maccuswell.[4] This grant was again confirmed by Malcolm's successor.[5] As Sheriff, Herbert gave to Robert, son of Maccus, possession of that carucate of land which the King confirmed to him on the 28th December 1200.[6] These are the only transactions in which Herbert appears as a principal, but the deeds to which he is a witness are very numerous. He witnesses a charter by William the Lion to St. Mungo and the church of Glasgow of the lands of Badlayn about the year 1175 or 1177;[7] a charter by William to the church of St. John of Roxburgh about the year 1189;[8] and many charters in favour of the monasteries of Paisley and Kelso.[9] About the year 1190, he was designated High

[1] Liber de Kalchou, p. 145.
[2] Vol. i. p. 121.
[3] Liber de Melros, pp. 76, 81.
[4] Liber de Kalchou, p. vi. pp. 11, 14.
[5] *Ibid.*
[6] Vol. i. p. 121.
[7] After death of Bishop Engelramus, and in the time of Bishop Joceline.—Reg. Epis. Glas., p. 36.
[8] *Ibid.*, p. 66.
[9] Reg. Monast. de Passelet, and Liber de Kalchou.

Sheriff of Theuydale in an arrangement between the Abbot of Kelso and Henry of Molle and his wife.[1] The latest notice of Herbert de Maccuswell is in the charter already mentioned, of lands in Lesedwin, granted in 1200. It is probable that he died soon after this date. He left three sons:

1. John, who succeeded him.

2. Robert, who is a witness to a charter by Richard de Lincolina and the daughter of Matilda his wife to the monks of Kelso of a piece of pasture in the tenement of Molle, about the year 1190;[2] and, with his brother John, to a charter by Bernard de Hauden to the same monks of the mill and mill-pond of Reuedene, about the year 1210.[3] Robert appears to have left no issue.

3. Aymer, who succeeded John.

IV.—1. Sir John de Maccuswel, 1190-1241,

Succeeded his father in the territory of Maccuswel and in the office of Sheriff of Roxburghshire. Under this designation he is witness to an agreement between the Abbot and convent of Kelso and Eustace de Vescy, about the year 1207.[4] In a charter by Patrick de Withicun to the monks of Melrose, granted in the reign of William the Lion, he is described as Sheriff of Theuidale; and towards the close of this reign he witnesses many deeds in favour of the monastery of Arbroath.[5] His name frequently occurs as a witness in the cartularies of Melrose and Coldinghame.

Sir John continued to hold the same high place in the councils of Alexander II. which he had already attained in those of his predecessor, and on the 7th July 1215, he was sent as ambassador-extraordinary to England. On the 15th June 1218, with the Bishops of Glasgow and St. Andrews, William de Boscho, the Chancellor, Walter Cumin, and others, he was again sent to England to negotiate a marriage between Alexander and the Princess Johanna, sister of Henry III. of England.[6] For the success attending this mission, Sir John appears to have received the honour of knighthood, as he witnessed an

[1] Liber de Kalchou, p. 136.

[2] *Ibid.*, p. 128.

[3] *Ibid.*, p. 176.

[4] Liber de Kalchou, p. 172. Sir John appears as a witness to many instruments in this volume.

[5] Registrum de Aberbrothoc, pp. 8, 21, 47, 56, etc.

[6] Rymer's Fœdera, vol. i. pp. 135, 161, 165.

THE FIRST FOUR GENERATIONS OF THE MAXWELLS.

agreement between the Bishop of Glasgow and the convent of Kelso concerning the church of Campsie, on 12th December 1221,[1] and in 1225, two charters in favour of the monks of Melrose, in which he is designated Dominus.[2]

Sir John appears to have been in constant attendance at Court between the years 1220 and 1231, during which period he witnessed many royal charters, and other deeds, in which he is simply described as Sheriff of Roxburghshire. Thus, in 1225, on the 22d November, he witnessed a charter by Alexander II., granting to St. Mungo, and Walter, Bishop of Glasgow, the privilege of having a burgh at Glasgow, with a market on Thursdays.[3] He also witnessed many charters to the abbey and convent of Paisley between the years 1228 and 1231.[4]

In the year 1230, Henry de Baliol, Lord of Reidcastle, resigned the office of Chamberlain, and Sir John was appointed his successor.[5] Under the designation of Chamberlain, on 19th March 1230, he is a witness to a precept by Alexander II., ordaining all his sheriffs and officers to take up the case of the monks of Melrose, and vigorously to prosecute the persons who had robbed them of their plate, ornaments, and money.[6] "Sir John de Maccuswell, Chamberlain of the King," witnesses a charter by Henry de Beletun to the monks of Melrose of his lands of Kingissete, in the year 1231.[7] As Camerarius, he is a witness to a charter by Alexander to the abbey of Dunfermline;[8] to another by Alexander, in favour of the monks of Newbottle, dated 25th October 1232;[9] and to another, on the 7th June 1233, to the monks of Kelso.[10] On the 30th of this month he is mentioned in a charter of confirmation in favour of M., formerly Thane of Calentyr.[11] Sir John, about this date, witnessed many deeds granted by Alexander to the monks of Melrose, but in none of these is he described as Camerarius after the year 1233. It is probable that in this or the following year he resigned the office, either finding himself too much occupied, or for some other reason. At all events his resignation could not have taken place from any disagreement with his royal master, for there

[1] Registrum Episcopatus Glasguensis, p. 101.
[2] Liber de Melros, pp. 246, 254.
[3] Registrum Episcopatus Glasguensis, p. 113. Sir John's name appears in the same volume at pp. 111, 114, 115, 116.
[4] Registrum Monasterii de Passelet, pp. 48, 172, 213, 214
[5] Crawfurd's Lives of the Officers of the Crown and State, pp. 260-61.
[6] Liber de Melros, p. 162.
[7] *Ibid.* p. 195.
[8] Registrum de Dunfermelyn, p. 44.
[9] Registrum de Neubottle, p. 107.
[10] Liber de Kalchou, p. 309.
[11] Vol. i. p. 122.

are abundant proofs, that during the remainder of his days he continued as much about the King as formerly. The last time in which his name occurs as a witness, is in the charter by Alexander to Earl Maldoue of the Earldom of Levenax, on the 28th July 1238.[1] It is stated by all the earlier writers on the family of Maxwell, that Sir John acquired the barony of Carlaverock, and other extensive additions to the original family properties. So far as it has been in the power of the Editor of these pages to ascertain, there is no positive proof to support this statement; but Carlaverock must have been acquired by the Maxwells at a very early date, and, from the constancy of the tradition, and the numerous opportunities which Sir John must have had of obtaining grants from the Crown, we may accept it as a fact that he did acquire the barony of Carlaverock. Sir John does not appear to have left any children. He died in 1241, and was buried in Melrose Abbey.[2] He was succeeded by his brother,

IV.—2. Sir Aymer de Maxwell, second Lord of Carlaverock, 1195-1266,

Who, with his brother John, witnessed a charter by Roger Burnard to the monks of Melrose before the year 1214;[3] and another by Alexander II., in favour of the monks of Coldinghame, dated at Berwick the 16th May 1232.[4] He witnessed a charter by Alexander to William, Bishop of Glasgow, of the lands of Mosplat, in the bailery of Lanrick, dated 7th February 1224;[5] and another to the monks of Melrose of the lands of Ettrick, dated the 21st February 1235.[6] In the year 1239 he witnessed a charter granted by Walter, son of Alan Steward of Scotland, to the monks of Paisley, of the churches of Seneehar and Achinlec; and another by Walter to the same monks in 1246.[7]

Aymer occurs on many other occasions as a witness to deeds granted by Alexander II. and others in his reign. In the reign of Alexander III. he also witnesses many charters still extant, amongst others the charter to Malcolm, son of Duncan, and Eve, sister of the Earl of Lennox, printed below;[8] a charter

[1] Cartularium de Levenax, p. 2.
[2] Chronica de Mailros, p. 154.
[3] Liber de Melros, p. 75.
[4] Printed in Raine's History of North Durham.
[5] Registrum Episcopatus Glasguensis, p. 151.
[6] Liber de Melros, p. 667.
[7] Registrum Monasterii de Passelet, pp. 19, 24.
[8] Vol. i. p. 123.

THE FIRST FOUR GENERATIONS OF THE MAXWELLS.

to the monks of Melrose of the meadow of Farningdun, dated 8th June 1252;[1] and another to the church of Glasgow of the lands of Dalkam, the gift of Isabella de Valloniis, Lady of Killebrid, dated 12th November 1253.[2]

Some time before the year 1255 he acquired by marriage the lands and barony of Mearns,[3] which formerly belonged to Rolland de Mearns; and soon afterwards, about the year 1257, succeeded Sir David Lindsay, Lord of Crawfurd, in the office which his brother had formerly held.[4] As chamberlain he was one of the magnates of Scotland who made a solemn agreement with the Prince and people of Wales not to conclude a peace with England without their consent.[5] Sir Aymer held the office of Chamberlain till the year 1260, for on the 18th August he witnessed a letter by Alexander III. to the provosts and bailies of the north concerning the accommodation of the Bishop of Aberdeen, in which he is described as "Camerarius."[6] He does not appear again in this character; but about this time he held the important offices of Sheriff of Dumfriesshire and Justiciary of Galloway: Under the latter designation he witnessed a charter by Alexander in favour of the monks of Melrose, dated 9th December 1264; and about the same time, as Sheriff of Dumfriesshire, he rendered an account for twenty merks as the price of twenty chalders of barley, taken from Maccuswell for the castle of Roxburgh.[7]

Sir Aymer died about the year 1266, leaving by his wife Mary—

1. Herbert, who succeeded him, and, carrying on the direct line of the family, was ancestor of the Lords Maxwell, the Earls of Nithsdale, and the Lords Herries of the house of Maxwell. A Tabular view of the descendants of Herbert is given in the two following pages.

2. Edward Maxwell, mentioned in the year 1248. He died without issue.

3. Sir John, who founded the Pollok branch of the Maxwell family, who form the subject of the present work.

4. Alexander, who with his brother John witnessed a charter by his brother, Sir Herbert, to the church of St. James and St. Mirrin of Paisley of lands in the barony of Mearns, c. 1300.[8]

[1] Liber de Melros, p. 300.
[2] Registrum Episcopatus Glasguensis, p. 161.
[3] Rymer, vol. i. p. 329.
[4] Crawfurd's Lives of Officers of the Crown and State, p. 262, 263.
[5] Rymer, vol. i. p. 370.
[6] Reg. Epis. Aberd., i. p. 27.
[7] Compota Camerar., vol. i. pp. 27*, 45*, 46*.
[8] Vol. i. p. 125.

THE MAXWELLS OF MAXWELL, CARLAVEROCK, AND MEARNS,

EARLS OF NITHSDALE, LORDS MAXWELL AND HERRIES, ETC.

I.—UNDWIN, father of Maccus, *c.* 1070.

II.—Maccus, who gave name to the Barony and Family of Maxwell. Died *c.* 1150.

III.—Herbert de Maccuswell, Sheriff of Roxburgh. 1140-1200.

Liulfus, *c.* 1170. Had a son, Uchtred.

Edmund de Maccuswell, *c.* 1152.

Robert, 1200.

IV. 1.—Sir John de Maccuswell, also Sheriff of Roxburgh and Chamberlain of Scotland. He was the first of Carlaverock. 1190-1241, *s.p.*

Robert, *c.* 1210, *s.p.*

IV. 2.—Sir Aymer de Maxwell, second of Carlaverock. He married Mary of Mearns, and acquired the Barony of Mearns. 1195-1266.

V.—Sir Herbert de Maxwell, of Carlaverock, Mearns, and first of Pencaitland, 1276. Swore fealty to Edward I. 1296. He first used the saltire in his arms. Died before 1312.

Edward Maxwell, 1248, *s.p.*

Sir John Maxwell, ancestor of the Maxwells of Pollok. *Vide* p. xlvii.

Alexander, *c.* 1300.

VI. 1.—Sir Eustace Maxwell of Maxwell, Carlaverock, Mearns, etc. 1312-1342.

VI. 2.—John de Maxwell of Pencaitland and Libberton. He swore fealty to Edward I. in 1296. Died before 1343.

VII. 1.—Herbert de Maxwell of Carlaverock. Died without issue in 1356.

VII. 2.—Sir John Maxwell, Knight, of Maxwell, Carlaverock, Mearns, Libberton, etc., succeeded his uncle, Sir Eustace, and his cousin, Herbert. Was taken prisoner at the battle of Durham on 17th October 1346. He was knighted before 1354, and died after November 1373. He had by his wife Christian three sons and a daughter.

Eustace, died *s.p.*

VIII.—Sir Robert de Maxwell of Carlaverock. He rebuilt Carlaverock Castle. Letters of safe-conduct to England, etc., 1363-4-5. Died *inter* 1407-1413.

Herbert.
John.

Agnes, married Robert Pollok of Pollok.

IX.—Sir Herbert Maxwell of Carlaverock, mentioned in *Rotuli Scotiæ* as a Knight, in 1407; appointed Steward of Annandale in 1409. He married Katherine, daughter of Sir John Stewart of Dalswinton, in 1386. Died before 16th October 1421.

X.—Sir Herbert Maxwell of Carlaverock. Was served heir of his father on 16th October 1421. Created Lord Maxwell *c.* 1440. He built the castle of Mearns. Married, first, a daughter of Herbert Herries of Terregles; and secondly, Katherine, daughter of Sir William Seton of Seton. He died before 14th February 1453-4.

Aymer de Maxwell, called brother of Herbert, 1424, ancestor of the Maxwells of Kirkconnell.

Margaret, married Sir John de Montgomerie of Eglishame.

XI.—Robert, second Lord Maxwell. Served heir of his father, 4th February 1453. He married Janet Forrester. He died in May 1485.

Sir Edward of Tinwald, obtained Monreith in 1481-2. Ancestor of the Maxwells of Monreith.

George, ancestor of Maxwells of Carnsalloch, county of Dumfries.

David.

Adam, ancestor of Maxwells of Southhar.

John and William.

Katherine, by first wife; Janet and Mariot by second wife.

XII.—John, third Lord Maxwell. Was Steward of Annandale. Had charter of baronies of Maxwell, Carlaverock, and Mearns, 14th February 1477-78. He married Janet Crichton, daughter of George Earl of Caithness, in 1454. Killed at the battle of Kirtle on 22d July 1484.

Aymer, son of Robert, second Lord. 1473.

XIII.—John, fourth Lord Maxwell. He married Agnes, daughter of Sir Alexander Stewart of Garlies. Killed at Flodden, 9th September 1513.

Robert, ancestor of the Maxwells of Cowhill.

James, ancestor of the Maxwells of Cavens.

Homer, ancestor of the Maxwells of Portrack.

John, Abbot of Holywood.

Thomas, ancestor of Glenesslan.

Herbert, ancestor of Hills and Drumcoltran.

Janet, married William, son of John, first Lord Carlyle.

XIV.—Robert, fifth Lord Maxwell. Was guardian of the West Marches in 1517 and 1540. In the latter year he got from James V. a Charter of Novodamus of the barony of Maxwell. Died 9th July 1546. He married, first, Janet Douglas of Drumlanrig: issue; and, second, Agnes, daughter of James Earl of Buchan: no issue.

a

Herbert, ancestor of the Maxwells of Clowdon.
John Maxwell, dean at Dundrennan.

Edward. A prisoner at Solway in 1542.

Mary, Lady Johnston.
Agnes, Lady Amisfield.
Elizabeth, Lady Applegirth.
Katherine, Lady Parton.

THE LORDS MAXWELL, EARLS OF NITHSDALE, AND LORDS HERRIES.

a

HERRIES LINE.

XV. 1.—ROBERT, sixth Lord Maxwell, served heir of his father 1st August 1550. Commissioner to treat with England, 8th May 1551. He married Beatrix, second daughter of James, third Earl of Morton, about July 1530. He died 14th September 1552. His eldest son, Robert, died in his fourth year, in 1552 or 1553.

XV. 2.—SIR JOHN MAXWELL of Terregles, Knight. He married, in 1547, Agnes Herries, eldest daughter of William, Lord Herries. Sir John became Lord Herries in 1566. Died 20th January 1582.

MARGARET, married, 1st, Archibald, Earl of Angus; 2d, Sir William Baillie of Lamingtou.

XVI. 1.—JOHN, seventh Lord Maxwell, served heir to his father, 24th May 1569. Created *Earl of Mortoun* on 5th June 1581. He married Elizabeth, daughter of David, Earl of Angus, in 1572. Was killed by the Johnstones at Lockerbie, 7th December 1593.

XVI. 2.—WILLIAM MAXWELL, succeeded his father as Lord Herries in 1582. Married Katharine, sister of Mark, first Earl of Lothian. He died October 10, 1603.

SIR ROBERT of Spotts. EDWARD of Lamington.

JOHN of Newlaw. Issue. JAMES, "lawful son," 1567.

JAMES, ALEXANDER, 1582.

ELIZABETH, Lady Lochinvar. MARGARET, Lady Lothian

AGNES, Lady Amisfield. MARY, Lady Yester.

SARAH, Lady Johnstone. GRIZEL, Lady Bombie. NICOLAS, Lady Lag.

XVII. 1.—JOHN, eighth Lord Maxwell, served heir of his father in 1601. Married Margaret, daughter of John, Marquis of Hamilton. Killed Sir James Johnstone, 6th April 1608, for which he was beheaded 21st May 1613. *s.p.*

XVII. 2.—ROBERT MAXWELL of Carlaverock, was restored, and became ninth Lord Maxwell. Created *Earl of Nithsdale*, 29th August 1620. Married Elizabeth Beaumont. Issue, a son and a daughter. Died in May 1646.

JAMES of Springkell, *Master of Maxwell.* He died without male issue before 5th October 1667, when his nephew's titles and estates passed to John, fourth Lord Herries.

ELIZABETH, Lady Herries. MARGARET, Lady Craigie. AGNES, Lady Penzerie.

XVII. 3.—JOHN MAXWELL, Lord Herries, succeeded his father in 1603. He married Elizabeth, daughter of John, seventh Lord Maxwell. He died in 1631. Issue, eight sons and a daughter.

SIR WILLIAM of Gribton. SIR ROBERT of Sweetheart, *s.p.*

EDWARD. JAMES. ELIZABETH, Lady Urchell. MARGARET, Lady Parton.

CARRUCHAN LINE.

XVIII. 1.—ROBERT, second Earl of Nithsdale, tenth Lord Maxwell, was excommunicated in 1644, by the General Assembly, and taken prisoner at Newcastle the same year. Died unmarried, 5th October 1667.

XVIII. 2.—JOHN MAXWELL, Lord Herries, succeeded his cousin as third Earl of Nithsdale, in 1667. He married Elizabeth, eldest daughter of Sir Robert Gordon of Lochinvar. He died between February and June 1677.

JAMES MAXWELL, of Breconside, had a bond of provision from his father in 1627.

WILLIAM, ALEXANDER, ROBERT, EDWARD, FREDERICK, MICHAEL. ELIZABETH, Countess of Winton.

XIX. 1.—ROBERT MAXWELL, Lord Herries, and fourth Earl of Nithsdale, married Lucy, eighth daughter of William, first Marquis of Douglas. Died in March 1685.

WILLIAM MAXWELL of Kelton and Buittle. Died before 1685. No male issue.

JOHN MAXWELL of Gelston. Died before 1685. No male issue, but an only daughter.

XIX. 2.—JOHN MAXWELL, second of Breconside. Died before 3d May 1718, *s.p.*

ALEXANDER MAXWELL of Park and Terraughty. Died 10th October 1701.

XX. 1.—WILLIAM MAXWELL, Lord Herries, and fifth Earl of Nithsdale, was attainted in 1716, and died at Rome in 1744. He married Winifred, youngest daughter of Herbert, first Marquis of Powis.

MARY, Countess of Traquair.

XX. 2.—JOHN MAXWELL of Breconside and Terraughty. Died 12th May 1724.

GEORGE, died at London in 1748, unmarried.

WILLIAM MAXWELL of Carruchan. Died 16th May 1772.

XXI. 1.—WILLIAM MAXWELL of Nithsdale. He married Katharine, fourth daughter of Charles, fourth Earl of Traquair. He died in 1776, leaving an only surviving daughter, Winifred Maxwell, grandmother of William Constable Maxwell, Esq. of Carlaverock, and who, as heir-general of the Maxwell family, was, on 2d June 1858, found by the House of Lords entitled to the original *Barony of Herries*

William Lord Herries married Marcia, daughter of the Hon. Sir Edward M. Vavasour, Baronet, and has issue, Marmaduke, *Master of Herries*, and six other sons and eight daughters.

XXI. 2.—WILLIAM of Breconside and Terraughty. He had an only daughter, and no male issue. Died in March 1756.

JOHN MAXWELL of Terraughty and Munches, served heir-male to Robert, fourth Earl of Nithsdale, 4th June 1778. Died in January 1814, æt. 95.

GEORGE MAXWELL of Carruchan. Became the male representative of the Nithsdale family in 1815. Died 20th November 1822. His grandson, William Maxwell, of Carruchan, claimed the titles of Earl of Nithsdale, Lord Maxwell, etc., as heir-male of the Maxwell family. He died on 21st May 1863, *s.p.*

THE MAXWELLS OF POLLOK.

V.—SIR JOHN MAXWELL, Knight, first of Pollok, brother of Herbert (V.) of Carlaverock, and great-grandson of Maccus, son of Undwin. 1270 to 1306.

VI.—Sir Robert Maxwell, second of Pollok. 1306-1330.

VII.—Sir John Maxwell, third of Pollok. 1330-1360.

VIII.—Sir John Maxwell, fourth of Pollok. Married—1. Isabella Lindsay; and 2. Elizabeth St. Michael. 1360-1405.

IX.—Sir John Maxwell, fifth of Pollok. 1405-1429.

Robert Maxwell of Calderwood. [Calderwood Branch, p. 460.]

William Maxwell of Aikenhead. [Aikenhead Branch, p. 495.]

Janet Maxwell, married Thomas Murray, 1390.

Agnes Maxwell, married Sir Gilbert Kennedy, ancestor of the Marquis of Ailsa.

X.—Thomas Maxwell, sixth of Pollok. 1429-1450.

XI.—John Maxwell, seventh of Pollok, 1450-1487.

Thomas Maxwell, father of Thomas of Auldhouse. (*Vide* next page for his descendants).

XII.—John Maxwell, eighth of Pollok, married Elizabeth Stewart. 1487-1510.

Hugh Maxwell, had remission, 1500.

Malcolm Maxwell, a witness in 1504, 1512.

Marion Maxwell, married Robert Ross, 1462.

XIII.—John Maxwell, ninth of Pollok, married Margaret Blair. 1510-1517.

Robert Maxwell, Bishop of Orkney. 1470-1540. A Memoir of him is given at p. 403.

George Maxwell of Cowglen. [Cowglen Branch, p. 456.]

William Maxwell of Carnwaderick. Died before 1542.

XIV.—John Maxwell, tenth of Pollok, married Elizabeth Houston. 1517-1523.

Thomas Maxwell entered Glasgow University, 1523. Died before 1536.

Katharine Maxwell, married in 1515, John Hamilton of Camskeith.

XV.—Elizabeth Maxwell, heiress of Pollok, 1523-1592,

XIV.—Married John Maxwell of Cowglen. 1524-1577.

XV.—Sir John Maxwell, twelfth of Pollok. Married—1. Margaret Cunninghame; 2. Margaret Edmonstone. 1577-1595.

George Maxwell. Died 28th August 1581, *s.p.*

William Maxwell of Cowglen. Died in March 1625, *s.p.*

Mr. Robert Maxwell. Died between 1581 and 1593, *s.p.*

Patrick Maxwell, alive 1611. Died before 1647.

Walter Maxwell. Died before 1593.

XVI.—Sir John Maxwell, thirteenth of Pollok, and first Baronet, 1595-1647. Married—1. Isohell Campbell; 2. Grizell Blair. On his death, without male issue, the Pollok estate was inherited by the heir-male, Sir George Maxwell of Auldhouse, whose descent is stated on the following page.

Isobel Maxwell, deaf and dumb, 1647. Died unmarried.

Margaret Maxwell. She renounced a right to a provision in 1613.

Agnes Maxwell, married in 1611 John Boyle of Kelburn, ancestor of the Earl of Glasgow.

THE MAXWELLS OF POLLOK AND AULDHOUSE.

XI.—THOMAS MAXWELL [of Auldhouse], brother of John Maxwell, seventh of Pollok. 1470-1500.

XII.—Thomas Maxwell, second of Auldhouse. 1491-1526. | ..... Maxwell. in 1491.

XIII.—John Maxwell, third of Auldhouse. 1526-1546. | Thomas Maxwell. 1517. | Oswald Maxwell. 1523.

XIV.—John Maxwell, fourth of Auldhouse, married Janet Dunlop. 1546-1578.

XV.—1. John Maxwell, fifth of Auldhouse. 1584-1620.

XV.—2. Mr. George Maxwell, sixth of Auldhouse. He married successively Janet Miller, Jane Mure, and Janet Douglas. 1600-1648.

Patrick Maxwell, Merchant burgess of Glasgow. 1585. [His descendants, p. 496.]

William Maxwell. 1583.

Euphame, Christian, Helen. 1585.

XVI.—Mr. John Maxwell, seventh of Auldhouse, married Elizabeth Stewart. 1634-1666.

Mr. William Maxwell, first of Springkell. [Springkell Branch, p. 438.]

George, Alexander, Patrick.

James, George.

Hugh Maxwell of Dalswinton. [Dalswinton Branch, p. 451.]

Gabriel, David, Robert, A daughter.

XVII.—Sir George Maxwell, fourteenth of Pollok, married Anabella Stewart. 1647-1677.

Zacharias Maxwell of Blawarthill. [Blawarthill Branch, p. 429.]

John, Walter, Thomas, William.

Jean, Grizel, Elizabeth.

XVIII. 1.—Sir John Maxwell, Lord Pollok, married Marion Stewart. 1677-1732.

William, George.

Marion, Anabella, Margaret.

James Maxwell, second of Blawarthill. Died 1703, *s.p.*

XVIII. 2.—John Maxwell, third Baronet, succeeded his cousin, Lord Pollok. 1732-1752.

Jean, Margaret, Grizel.

Marion, Elizabeth.

All married, as stated in *Memoirs*, p. 433.

John Maxwell. Died in infancy.

XIX. 1.—Sir John Maxwell, fourth Baronet. 1752-1758.

George Maxwell, born 1729. Died 1758.

XIX. 2.—Sir Walter Maxwell, fifth Baronet, married D'Arcy Brisbane. 1758-1762.

XIX. 3.—Sir James Maxwell, seventh Baronet, married Frances Colhoun. 1762-1785.

Marion, Beatrix, Annabella, Barbara.

Jean, Barbara.

XX. 1.—Sir John Maxwell, sixth Baronet. Died in infancy.

XX. 2.—Sir John Maxwell, eighth Baronet, married Hannah Ann Gardiner. 1785-1844.

Captain Robert Maxwell, married Margaret Cuninghame. Died 1796, *s.p.*

Frances Maxwell, married John Cuninghame of Craigends. Died 1797.

Barbara Maxwell (Mrs. Ewing). Died 1828, *s.p.* *Memoir*, p. 418.

XXI.—Sir John Maxwell, ninth and present Baronet, married Lady Matilda Harriet Bruce, who died on 31st August 1857, *s.p.*

Harriet Anne Maxwell. Died, unmarried, 1841.

Mary Maxwell. Died in infancy.

Elizabeth Maxwell, married Archibald Stirling of Keir. One son and two daughters.

William Stirling of Keir, M.P.

THE MAXWELLS OF POLLOK

1270-1647.

THE BARONY OF POLLOK.

THE Barony of Pollok, from which that branch of the Maxwell family which forms the subject of this work derives its territorial designation, is situated about three miles south-west from Glasgow, in the parish of Pollok or Eastwood, and in the county of Renfrew. The original name of the parish was derived from the barony of Pollok;[1] and this name continued to be used till the fourteenth century, when it was changed to Eastwood, from the neighbouring manor of that name, but in later times, the original name of Pollok has been resumed, and again applied to the parish and church.[2]

The name Pollok seems to be derived from the Celtic word Pol, which signifies a pool formed by the sluggish water of a river. Such a pool there was formerly in the river White Cart, where it flowed past the water-washed rock upon which stand the remains of the old castle of Pollok; and from this pool, probably, the castle, church, and barony of Pollok all took their name.[3]

Pollok formed part of the extensive estates which were granted by King David I. to Walter the High Steward about the year 1124. The grant of David was confirmed by his grandson, King Malcolm IV., in 1157-58.[4] A part of the lands of Pollok, forming the upper division, appears to have been bestowed by the High Steward on Peter, son of Fulbert, who was one of his followers, and whose immediate descendants adopted the territorial designation of Pollok. They were vassals of the Steward, who continued to be the superior of Upper Pollok. This superiority was acquired by Rolland de Mearns, along with the barony of Mearns, and afterwards by the Maxwells of Carlaverock, on their succeeding Rolland. The Polloks of Upper Pollok thus

[1] Vol. i. p. 121.

[2] The church of Pollok was dedicated to St. Conval, who was the tutelar saint of Pollok. He was a disciple of St. Kentigern. A fair was held annually at Pollok on the 18th of May, the festival of St. Conval; and after the removal of the town of Pollok, the fair was held for some time at Pollokshaws, on the last Friday of May.—[Chalmers' Caledonia, vol. iii. p. 849.] The fair was discontinued, and horse-races took its place on the last Friday and Saturday of May annually for about sixty years previous to 1838.

[3] Part of the barony of Ardnamurchan, in the county of Argyll, is called the five-penny land of Pollok.

[4] Acts of Parliament of Scotland, vol. i. p. 82.

became vassals of the Maxwells as Lords of Mearns,[1] and this vassalage continued till the seventeenth century.[2]

The lower division of Pollok, commonly called Nether Pollok, was, about the year 1270, given by Sir Aymer Maxwell of Maxwell, Carlaverock, and Mearns, to his younger son, Sir John Maxwell, whose territorial designation thenceforth became of Pollok, or of Nether Pollok, and whose lineal male descendant is the present Sir John Maxwell of Pollok.

The upper and lower divisions of Pollok were intersected by the lands of Darnley, which formed, for a considerable period, a separate estate of a younger branch of the Stewart family, the ancestors of the unfortunate husband of Queen Mary. This estate was acquired by the Maxwells of Pollok about the middle of the last century, and has since then formed part of Pollok.

The lands of Nether Pollok were, in the year 1672, by charter under the Great Seal of King Charles II., disjoined from the barony of Mearns, of which they formed part, and erected into the separate barony of Pollok.

The barony of Pollok lies to the north-east of the parish of Mearns, and the general features of the two districts are much alike. There is the same undulating surface, the same succession of gently-sloping hills and pleasant valleys, intersected by streams, such as Auldhouse burn, which issues from the Brother Loch already mentioned, Brock burn, which also rises in Mearns, and the White Cart, which has its source in the Eaglesham Moors adjoining Mearns, and by the time it reaches the Pollok estate, has become a considerable river. The soil of the Pollok and Eastwood districts is richer than that of Mearns, and the country better wooded; and from the latter feature, doubtless, the name of Eastwood was derived. A specimen of the wood, which, in days of old, covered large portions of the district, was found, about fifty years ago, imbedded

[1] Charter dated at Carlaverock in the year 1372, by Sir John Maxwell to John de Pollok, son and heir of Robert de Pollok and Agnes Maxwell, daughter of Sir John, of the lands of Pollok.—[Original charter quoted by George Crawfurd in his History of Renfrewshire. Edition 1782, p 209, as at Upper Pollok.] Charter by Robert Lord Maxwell to Charles Pollok of that Ilk, of the lands of Upper Pollok, 1486.—[*Ibid.*] Charter by John Lord Maxwell, and Lord of Mearns, to John Pollok of the lands of Over Pollok. The vassal was to pay to the superior a pair of gloves yearly: dated at the Place of Mearns 10th September 1508.—[Contemporary copy at Pollok-Maxwell.] John Earl of Morton, Lord Maxwell, as Baron of the barony of Mearns, and superior of the twenty-pound land of Over Pollok, lying in the said barony, as a tenandry thereof, holding of him by service of ward and relief, granted a precept in or about the year 1588, warning John Pollok, apparent of that Ilk, and his tenants, to remove themselves, that the superior might occupy the same by reason of non-entry.—[Contemporary copy, *ibid.*]; also Precept, vol. i p. 294.

[2] The superiority was acquired by Robert Pollok of that Ilk from the Earl of Nithsdale about the year 1650. —[Crawfurd's Renfrewshire, Robertson's Edit., p. 291.]

in the river White Cart, opposite to the present gardens of Pollok. It was the trunk of a large oak tree, measuring twenty feet in circumference. Part of this tree being hollow, it was converted into a summer-house, and placed in the pleasure-grounds at Pollok, where it still remains. Several persons may easily be seated at the same time within these wooden walls.

The whole of this district has a general elevation from north to south, terminating in the hills forming the high ground between the shires of Ayr and Renfrew. The old divisions illustrate, in an interesting manner, the ancient custom of distributing land, so that each proprietor should have his due proportion of arable and pasture, with the advantage of access to a river.

About the middle of the twelfth century, Peter of Pollue, son of Fulbert, granted the church of Pollok to the monks of Paisley. The grant is not dated, but, as it is witnessed and confirmed by Joceline Bishop of Glasgow, it must have been made before the year 1199, when he died.[1] This was probably the church or chapel which stood at Upper Pollok, and which disappeared soon after the Reformation.[2] Peter of Pollue at the same time confirmed to the monks of Paisley the church of Mearns, which had been granted to them by his brother Helyas, who appears to have been a Churchman.[3]

CASTLES OF THE MAXWELLS AT POLLOK.

The earliest castle of Pollok was probably built by Sir John Maxwell when he became proprietor of Pollok in the thirteenth century. On a rock formerly washed by the river White Cart, which there formed a pool, as already mentioned, still stands a rude wall, which, according to tradition, was part of the castle of Sir John. Other portions of this castle which were standing in the beginning of the present century, have been removed to make way for modern farm-offices.

The second castle of Pollok was erected on an eminence about 300 yards to the north of the first castle, and about the same distance to the north-east of the present mansion-house. It commanded an extensive view of the surrounding country. Its walls have long since been levelled with the ground, and only the foundations can now be traced. It continued to be a residence of the Maxwells down to the middle of the sixteenth century, and possibly even later. When George Crawfurd wrote his account of Renfrewshire in 1710, both the

[1] Registrum Monasterii de Passelet, pp. 98, 99.
[2] Chalmers' Caledonia, Renfrewshire, p. 851.
[3] Registrum Monasterii de Passelet, p. 98.

fosse and the drawbridge of this castle existed. The drawbridge was removed before the year 1782, when Semple's edition of Crawfurd was published.

Another castle was built partly on the site and ruins of the original one, or incorporated with the remains of it. This was probably built by Sir John Maxwell of Pollok, and his wife Isabella Lindsay, who were married about the year 1367, as their armorial bearings have been found in the ruins.[1] In the grant made in 1518 by Robert Maxwell, afterwards Bishop of Orkney, as wardator of Pollok, he mentions the garden, tower, and other houses built on that side of the river Cart.[2] During the minority of the next laird additions were made to this Castle by the bishop, who was tutor for his nephew. The bishop built the tower in the year 1536, as appears from the discharge of the contractors after the "ryggen stayne onpwtteyne."[3] The Maxwells occupied at the same time both the castle on the banks of the Cart, and that on the eminence. This appears from the correspondence between the Earl of Glencairn, who got a grant of Pollok, after Sir John Maxwell was outlawed for his adherence to Queen Mary at the battle of Langside. On 26th May 1568, the Earl wrote to John Maxwell, younger of Pollok, that the Regent Murray had charged the house of Pollok to be delivered to him; that he had been ordained to have all the weapons of the tenants of Mearns and Pollok laid in it; that the bearer would take an inventory of everything found in it; and that he would occupy the tower (or castle on the eminence), while the young laird and his mother remained in the "laighe plaice," or the original castle, as restored on the low grounds on the banks of the White Cart.[4]

This "laighe" castle continued to be one of the residences of the family until the year 1747, when it was demolished by Sir John Maxwell the third baronet, who succeeded his cousin, Lord Pollok. In that year Sir John began to build the present mansion-house, and finished it in November 1752. He did not long enjoy it, as he died on the 24th of December following.[5]

Soon after the year 1568, when the family had two castles, the one on the hill, and the other on the low ground, the then young laird of Pollok began to build a third habitation nearly two miles to the north-east of the other two.

[1] These arms are described in the account of Sir John Maxwell, pp. 13, 14, where there is also a drawing of them.

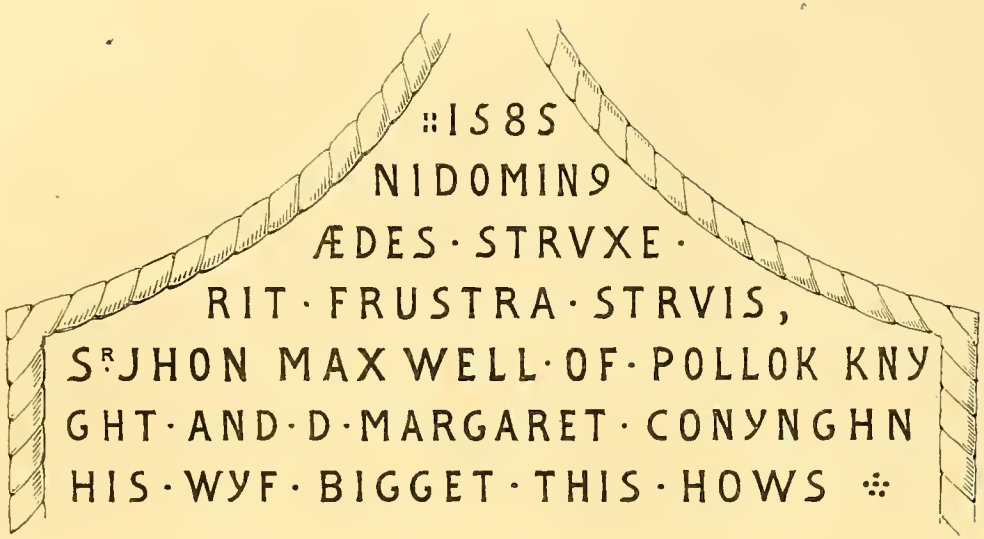
[2] Vol. i. p. 237.

[3] Vol. i. p. 271.

[4] Vol. ii. p. 130.

[5] Two views of the mansion-house of Pollok are given at the Memoir of the present Baronet.

HAGGS CASTLE.


1585
NI DOMIN9
ÆDES · STRVXE ·
RIT · FRUSTRA · STRVIS,
SR JHON MAXWELL · OF · POLLOK KNY
GHT · AND · D · MARGARET · CONYNGHN
HIS · WYF · BIGGET · THIS · HOWS

INSCRIPTION ABOVE THE DOOR OF HAGGS CASTLE.

HAGGS CASTLE. 1585.

This was the castle of Haggs, in the parish of Govan, and locally in the county of Lanark, but by annexation in the county of Renfrew. The lands of Govan Schelis and Haggs were acquired by the Maxwells at an early period. Sir John Maxwell, the eighth of Pollok, was proprietor of them in 1500.

The castle of Haggs was built in 1585, as an inscription over the principal door shows, by Sir John Maxwell, twelfth Baron of Pollok, and his wife, Margaret Cuningham of Caprington. It was some time before it was completed, as Sir John Maxwell, in writing to his father-in-law in 1587, says that his house was near an end, wanting only the "reparraling" within, and that he was ashamed it should stand like "ane twme kirne," being so nearly finished.[1] As soon as it was finished, Sir John made it his principal residence, as appears from the numerous letters dated from the "Haggis" in the end of the sixteenth century. In later times this castle became the residence of the dowager Ladies of Pollok, and till the middle of last century seems to have been a tolerably good house.[2] After being in ruins for many years, Haggs Castle has lately been repaired by Sir John Maxwell, and is now the residence of his factor, Mr. Colledge. A view of it is here given.

Haggs Castle was not without its share of the political and religious troubles between the Restoration and the Revolution. On the 6th November 1667, the Presbytery of Glasgow was informed that a conventicle had been held in the Haggs, and the parties who had attended it were summoned to appear before the Presbytery. John Logan, one of the accused, confessed that he was present at the conventicle, but not only refused to take the oath and state who preached, but further declared that he would not be a Judas to delate any that were present. The sentence of Logan and his fellow-recusants has not been recorded.[3] It is also worthy of notice that the Reverend Alexander Jameson, brother-in-law of Sir George Maxwell of Pollok, after his ejection from the living of Govan, administered the sacrament at Haggs, assisted by Mr. Hugh Smith, minister at Eastwood, and others, in the year 1675.[4]

THE MANSION-HOUSE OF AULDHOUSE.

Another ancient residence of the Maxwells is Auldhouse, of which a short notice will be given in the account of the Auldhouse branch of the family, where a drawing of the present mansion-house will be found.

[1] Vol. ii. p. 161. [2] Hamilton's Renfrewshire, p. 29. [3] New Statistical Account of Govan Parish, vol. vi. 691. [4] This was the year in which Mr. Jameson died. —Wodrow's Church History, vol. ii. 318. Glasg., 1832.

CROOKSTON CASTLE.

There is a castle on the present Pollok estate, which, though not originally the property of the Maxwell family, may be noticed, from its historical importance. This is the old castle of Crookston. Robert Croc was a powerful vassal of Walter, first High Steward of Scotland, and probably accompanied him from Shropshire, where the name of Croc obtained. Robert Croc possessed the lands of Neilston, Arden, and Old Crookston, which last obviously derived their name from him. He witnessed the foundation charter of the monastery of Paisley, and also many of the other charters granted to that house by the Steward himself, and Alan, his son and successor.[1] Robert Croc founded, about the year 1175, an hospital on his estate for infirm men; and built and endowed a chapel for the celebration of divine service for the inmates of the hospital. The hospital and chapel are supposed to have been situated on the west side of Levern Water, between old Crookston and Neilston.[2] With Sir Thomas Croc, the direct male line of the Crocs seems to have failed about the close of the thirteenth century. In a work of great research, it is said that Neilston, Crookston, and Darnley passed by marriage into the Darnley branch of the Stewarts.[3] But this appears to be capable of correction. Neilston was not acquired by the Stewarts of Darnley; the Crocs do not appear as possessors of Darnley, while Crookston was acquired by the Stewarts by purchase, and not by marriage.

By charter, dated at Tarbart, on 4th June 1330, Robert, the Steward of Scotland, granted to his cousin, Sir Alan Stewart, the liberty to purchase from Adam de Glasferth all his lands of Cruickisfee.[4] The purchase was soon completed, as Sir Alan's son is styled Sir John Stewart, Lord of Crookston, Knight, in a charter in his favour by Robert the High Steward, dated about the year 1346.[5] Another charter was granted by the Steward to his cousin, Sir John Stewart of Darnley, Knight, of his lands of Crooksfew, dated 10th January 1361.[6] The resignation on which that charter proceeds was made at the habitation of Darnley.

The Stewarts of Darnley thus acquired Crookston by purchase from Glas-

[1] Regist. Monasterii de Passelet, pp. 6, 12-15, 17, 18, etc.

[2] Chalmers' Caledonia, vol. ii. p. 828. Immediately to the east of the castle, however, the high ground is called the Chapel-yard, which indicates its connexion with a chapel.

[3] Origines Parochiales Scotiæ, pp. 72-96.

[4] Original Charter in the Lennox Charter-chest.

[5] Ballincreiff Charters at Hopetoun.

[6] Original Charter in the Lennox Charter-chest.

ferth, who appears to have obtained the Croe lands from the family of Annesley. As proprietor of Crookfut, probably meant for Crookston, John de Annesley swore fealty to Edward I. He seems to have acquired Crookston directly from the Croes.

From the Stewarts of Darnley and Crookston sprang the Lords Darnley, and the Earls and Dukes of Lennox. Charles Duke of Lennox sold Crookston to James Marquis of Montrose, from whose descendant, Sir John Maxwell, fourth baronet of Pollok, purchased the lands of Crooksfie and Darnley, in the earldom and late regality of Darnley.[1]

No record has been found of the erection of the castle of Crookston, but from the masonry and style of architecture it probably belongs to the thirteenth century. The ancient castle consisted of a large quadrangle, with two lofty towers, surmounted by battlements. The large square tower, which is the oldest part of the structure, is still almost entire. It is fifty-four feet in height, and lighted only by loop-holes, except in the upper storey, where there are larger windows under the battlements. Sir John Maxwell has recently restored several rooms in Crookston Castle.

The site of the castle is pleasant and picturesque. It is situated on a beautifully wooded slope, about three miles to the south-east of Paisley, overlooking the water of Levern, a little above its junction with the river White Cart. From a very early time it formed the principal messuage of the regality of Darnley, and many charters were executed at Crookston.[2] The celebrated yew tree, called the Crookston Yew, stood on the east side of the castle, and was of gigantic size.

The tree suffered so much from the ravages of curious depredators, who carried away large portions of it, that the late Sir John Maxwell had it removed about the year 1820. When Prince Leopold, now King of the Belgians, was presented with the freedom of the city of Glasgow, the diploma was enclosed in an ornamental box made from this celebrated yew.

[1] Crookston and Darnley Writs at Pollok. The old castle of Darnley has long since been removed. The foundations of it can, however, be traced on an eminence adjoining to the present mill of Darnley. Darnley Castle was not more than two miles to the south of Crookston Castle, and after the Lords Darnley purchased the latter, the former was probably allowed to go to ruin. The late Sir John Maxwell erected a cottage on Upper Darnley. On an old plan of the Darnley estate, there is a cross marked at the march between "Maidland muir" and Cowglen, with this note:—"At this cross stone a fair was formerly kept once a year, and a horse-race through the muir on St. Magdalen's day."—[Original Plan at Pollok.] The stone here referred to does not now exist at the spot marked on the plan.

[2] Nos. 31-34, 63, 88, and 100, all in vol. i.

There is in Pollok House a remarkable memorial of the Crookston Yew. This is a perfect model of the castle, made of the wood of the tree, representing the structure with great exactness. The wood is cut into square pieces of about an eighth of an inch in size to resemble stones. These are built together with masonic precision, glue being used instead of mortar, and every stone in the vast pile is faithfully represented. This work occupied the self-taught genius, William Finlay, Pollokshaws, four years.

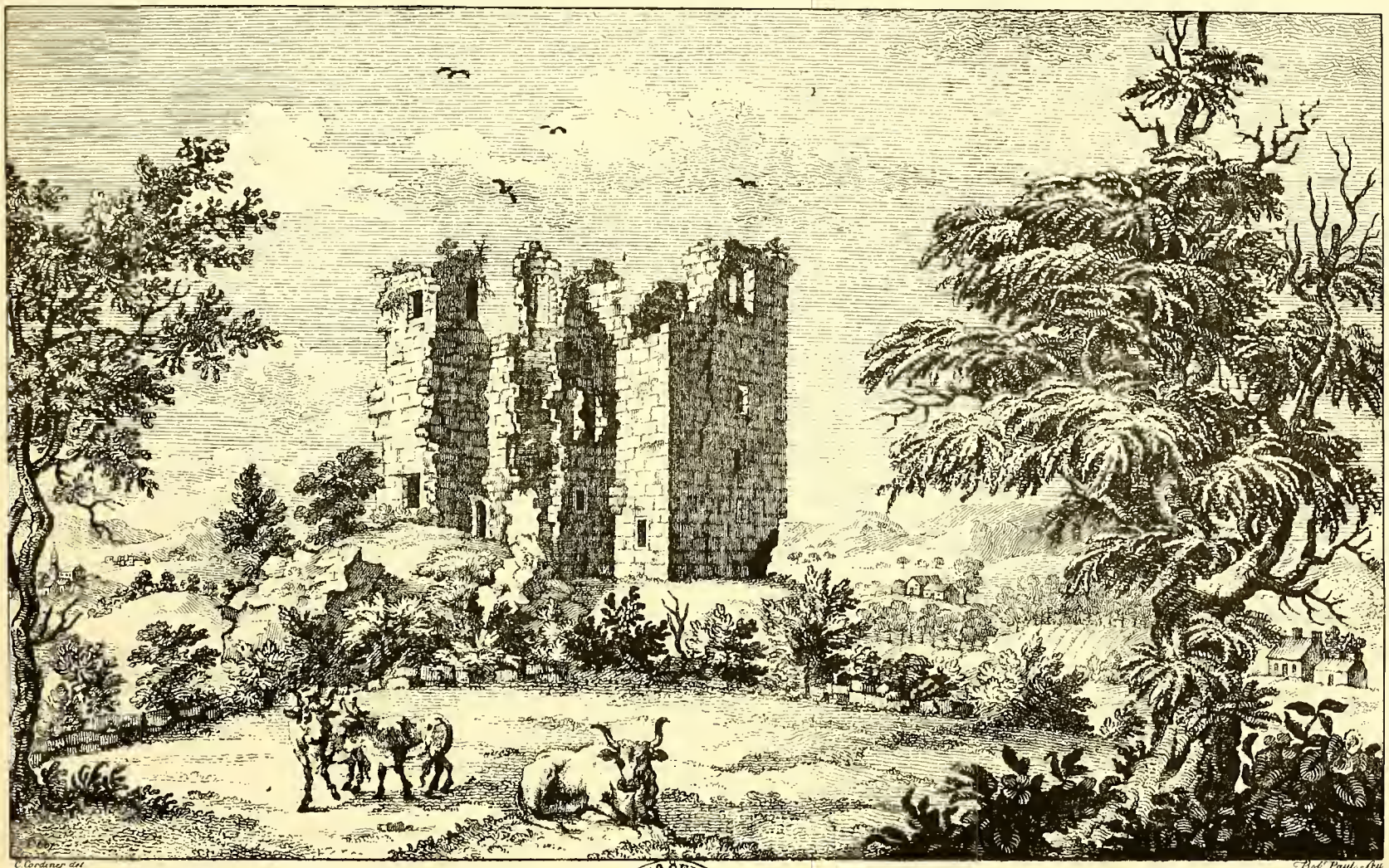
A representation of the ruins of Crookston Castle, with the yew tree, is here given. The original was inscribed to Sir James Maxwell, grandfather of the present Baronet, and it has been reproduced from a copy of the engraving, by the process of photo-lithography, being the first instance of its successful application in Edinburgh.[1] A piece of the yew tree, about a foot in length, on which Robert Burns the poet carved his name, when a young man, was cut from the tree, and is preserved at Pollok. A drawing of it is here given.

[1] Much popular error has crept into the history of Queen Mary in connexion with Crookston Castle. Cardonell alludes to the youthful courtship of Mary and Darnley at Crookston :—"Here fame says that Mary first resigned herself to the arms of Darnley, under a large yew tree which still exists" (Numismata Scotiæ, 1786, pp. 17, 18). In the Castles of Queen Mary, by Charles Mackie, London, 1850, it is said that Mary was conducted to this mansion soon after her marriage with Darnley, and that there she enjoyed his society in the sweetness of retirement, and that they often sat under the branches of the famous yew tree. In allusion to this visit the author quotes, p. 373, two lines, being all that is preserved, of an ancient ballad :

"When Mary met Mary under this yew tree,
What Mary said to Mary, I'll not tell to thee.

Both versions of this romance seem equally unfounded. Mary and Darnley could not have met at Crookston before their marriage; and their visits to different places after marriage have been carefully noted in the different biographies of Mary, and these make it impossible that she and Darnley visited Crookston for any length of time.

It has also been said by various writers, that the silver coin called the "Mary Ryal," was made specially to commemorate her marriage with Darnley, and that the tree on one side represents the Crookston yew, and the mottos the advancement of Darnley by the marriage. So perseveringly has this story been repeated, that the coin is now generally known as the "Crookston Dollar." Even the learned antiquaries of Edinburgh have so described several specimens of this coin in their Museum. The Act of 22d December 1565, ordering this coin, contains no reference to the Queen's marriage with Darnley, or to the Crookston yew. The tree, which is ordered by the Act to be on one side, is a palm tree. Several of these coins are still extant, and these all have a palm tree, not a yew tree, with "ane schell paddoke creepand up the shank of the samyn." The learned Ruddiman alludes to this story which he fitly designates as "mera figmenta."



C. Cordiner del.

Robt. Paul. Sculp.

This View of the ancient castle of **Crukston,** *of old the Mansion of the Lords of Darnly, is in testimony of their respect inscribed to Sir James Maxwell Baronet by R. & A. Foulis.*

THE NAME OF ROBERT BURNS, THE POET,

CARVED BY HIMSELF ON THE CROOKSTON YEW. – APRIL 4th 1777.

V.—Sir John Maxwell, Knight, first of Pollok, 1270-1306.

Sir John Maxwell, second son of Sir Aymer, and brother of Sir Herbert, Lord of Maxwell and Carlaverock, was provided by his father to the estate of Pollok, from which he and his descendants were designated. It is easy to conjecture why Sir Aymer thus provided his younger son to Pollok. He had recently acquired the valuable barony of Mearns, but his older baronies of Maxwell and Carlaverock, being situated near the English border, were much exposed to hostile attacks, and required all his energies for their protection and defence, and he had little time to devote to the care of the distant baronies of Mearns or of Pollok. He therefore wisely settled his second son in Pollok very soon after its acquisition; that is, about the year 1270.

The Pollok branch thus early planted—the earliest offshoot from the parent stem—became itself an independent tree, whence numerous branches have since sprung, which are now flourishing both in Scotland and in other countries. In the course of little more than a century, it was enabled, by an alliance with a member of the royal house of Stewart, to provide large estates to a second son, who became the founder of the baronial family of Calderwood.

At a later period, when the misfortunes of the parent line of the Lords Maxwell had reduced them from their former affluence, the position of the Pollok branch was such that its representative was solicited by the leading members of the family to relieve the estate of its burdens, and to assume, on the death of the then chief, his place as head of the house of Maxwell.[1]

A race which has been so long established as the Pollok Maxwell family, and several of the representatives of which have held positions of prominence and distinction, seems worthy of having its descent recorded. It is the object of these Memoirs to trace this descent through the seventeen successive generations which have existed between the first Baron of Pollok and his present representative, who is the twenty-first in descent from Undwyn, father of Maccus. We, therefore, commence these Memoirs of the Pollok line, in continuation of the four generations of the main line already given, with the younger son of the fourth generation, who was Sir John Maxwell, first Baron of Pollok. Sir John Maxwell and his brother Alexander witnessed a

[1] Vol. ii. p. 193.

charter by their eldest brother, Herbert Maxwell, to the church of Saint James and Saint Mirrin of Paisley, of lands in Mearns, about the year 1300, in which they are designated brothers of Herbert.[1] As Lord of Pollok (lower), Sir John Maxwell also witnessed another charter, about the same year, by Herbert Maxwell, his brother, to the parish church of Merness, of six merks of an annual-rent from the mills of Merness.[2] It has not been ascertained whom Sir John married. Sir John's son and successor was,

VI.—Sir Robert Maxwell, Knight, second of Pollok, 1306-1330,

Who obtained from King Robert the Bruce a charter of the lands of Lyoncroce or Lyandcross. The charter has not been preserved; but it is described in an old writ at Pollok as follows:—Ane chartour grantit be King Robert the Bruce to Sir Robert Maxwell of Polloek, Knycht, off the lands of Lyandcroce, daittit the tent zeir of his reigne.[3] These lands are in the parish of Neilston, and county of Renfrew. The greater portion of them now belongs to Sir Hew Crawford Pollok of Pollok, and are held of the Earl of Eglinton and Winton, who is the superior, as Lord of erection of the temporal lordship of Kilwinning. These lands bear the name of Maxwell's Lyoncroce, to distinguish them from the Upper and Nether Lyoncroces. Sir Robert was succeeded by his son,

VII.—Sir John Maxwell, Knight, third of Pollok, 1330-1360,

Who first appears on record in the reign of David II. (1329-1371). During that reign he made a grant to the abbacy of Kilwinning of the lands of Lyandcross, which his father received from King Robert the Bruce, and also of the lands of Skaimmerland. This grant was confirmed by King Robert II. in the fourth year of his reign, that is, in 1374 or 1375,[4] and again by King Robert III. between the years 1390 and 1406.[5] The grant, and these two confirmations of it, are thus stated in the old Pollok writ before mentioned:—In the dayes of King David the Bruce, Sir John Maxwell of Pollock, Knycht, sone and air to the said Sir Robert Maxwell, mortifies to the abbacie of Kilwinning and Beathe the saidis landis of Lyandcroce and Skrym-

[1] Vol. i. p. 126.

[2] *Ibid.* p. 127.

[3] Antiquity of the House of Pollok. [Original at Pollok.] There is a tradition in the family that Sir Robert was named after Robert the Bruce, and that he fought for him at the Battle of Bannockburn.

[4] Antiquity of the House of Pollok, *supra*.

[5] Robertson's Index to Charters, p. 144, 34.

mirland, and quhilk mortification is confirmit be King Robert the Second the fourt zeir of his reigne.[1] The original charters here referred to are not now to be found in the Pollok charter-chest; but it is presumed that they had been known to the writer of this early notice of them, since he quotes them so specially; and his statement of the terms of the charters is corroborated by the notice of the second charter of confirmation in Robertson's Index. The above description of the charters shows that Sir Robert and Sir John Maxwell were father and son. The lands of Lyoncroce and Skaimmerland continued the property of the Abbot of Kilwinning till the Reformation, when they were annexed to the Crown, as part of the possessions of that religious house, by the general Act of Annexation. By charter, dated 17th May 1592, King James VI. granted to Mr. William Melville, Commendator of Kilwinning, the Manor of Kilwinning, of old called the Monastery or Abbacy, and various lands and baronies, including "Lyandcroce" and "Skirrumlands." These lands were afterwards acquired by Alexander sixth Earl of Eglinton, as a part of the temporal lordship of Kilwinning. They have descended from him, under the same description, or nearly so, in the intermediate titles to the present Earl, who, as already mentioned, is superior of Lyoncroce. Sir John died about the year 1360, and was succeeded by his son,

VIII.—Sir John Maxwell, Knight, fourth of Pollok, 1360-1405; Isabella Lindsay, his first wife, 1369-1388; and Elizabeth St. Michael, heiress of Quhitchester, second wife, 1399.

This Baron of Pollok added considerably to the territorial possessions of the family by an alliance in marriage with a lady closely related to the royal family, which brought him considerable wealth and influence. The lady was Isabella Lindsay, daughter of Sir James de Lindsay, Lord of Crawford, and his wife, Ægidia Stewart, daughter of Walter, High Steward of Scotland.[2] They were married about the year 1367 or 1368, as appears from various charters granted to them, and other evidence. About the year 1366, Sir John Maxwell had a charter from

[1] Antiquity of the House of Pollok, *supra*.

[2] Crawfurd's History of Renfrewshire, Semple's Edition, p. 186; Crawfurd's History of the Royal Family of Stewart, p. 25.

Robert Earl of Stratherne, afterwards King Robert II., and Euphemia Ross, his spouse, of the east half of the lands of Bardralle, Baddynhath, and Glenframedy, in Perthshire, which seems to have been granted to him previously to his marriage, and in all probability preparatory to it.[1] Isabella Lindsay is not mentioned in this charter, and it may be inferred that she was not then married to Sir John. The next charter notice of Sir John is in the year 1366, when, with Hugh de Eglyntoun of that Ilk, and others, he witnesses a charter by Robert, Steward of Scotland, Earl of Stratherne, and John, his eldest son, to the Abbot and convent of Paisley of the lands of Sanakar, Camceskane, Dowlargis, Cowdane, Stafflaur, and Hormysdale, all which had been granted to them by the late Reginald More ;[2] and, of course, from the nature of the transaction, no notice of Isabella was to be expected in this writ. But some years after, on 10th May 1372, David Stewart, son of Robert, who became Earl of Stratherne on his father's accession to the throne, granted a charter of confirmation of the lands of Bardralle and others above mentioned to Sir John Maxwell, Knight, and Isabella, his spouse, who is therein styled the dearest cousin of the granter.[3] On 9th March of the same year (1372), King Robert II. granted a charter to Sir John and Isabella of the lands of Akinhead, in Lanarkshire, and, at the same time, another of the lands of Lyandcross, in the same county, in both of which he styles Isabella his dearest niece.[4] And on 24th April 1374, King Robert again confirmed to them the lands of Bardrall and others, when he designates Isabella his beloved niece.[5] James Lindsay, Isabella's brother, is a witness both to the charter of 10th May 1372, and to that of 24th April 1374 ; and in the latter, he is styled nephew by King Robert.

Sir John Maxwell and Isabella Lindsay had other charters granted to them about the same time, which assist in fixing the date of their marriage, and otherwise illustrate their histories. John Stewart, Earl of Carrick and Lord of Kilbrydeschyre, afterwards King Robert III., granted them a charter on the resignation of Sir John Maxwell, on 12th July 1369.[6] About the year 1371,

[1] Vol. i. p. 130. A facsimile of this charter is included in the present work.

[2] Registrum Monasterii de Passelet, p. 31.

[3] Vol. i. p. 131.

[4] Reg. Mag. Sig. pp. 100, 103 ; Nos. 23. 44.

[5] Vol. i. p. 132.

[6] Inventory of charters, etc., at Pollok, 1824 (No. 1), p. 1. This writ forms one of the title-deeds of the lands of Headhouse and Murray, parish of Kilbride. The lands were purchased by Robert Hamilton of Torrance, and the title-deeds were delivered to him by Sir John Maxwell of Pollok, on 13th May 1611. *Ibid.*

or 1372, James de Lindsay granted a charter to Sir John Maxwell of the lands of Hawkshaws, Glenovir, and Fynglen, in Peeblesshire.[1] And on 4th March 1371, Robert Maxwell, Lord of Mernnes, granted to Sir John Maxwell a charter of the lands of Dryppys, in the barony of Kilbrydeschire, and county of Lanark, to be held by him and his spouse Isabella, and their heirs, in which he designates Sir John Maxwell as a noble man his cousin (*nobili viro ac consanguineo nostro*). Robert Maxwell reserved to himself and his heirs the mount nearest to the village of Dryppys, on the top of which a certain stone was erected, for the purpose of holding courts thereon, as often as it might be necessary to prosecute the inhabitants of these lands, for injuries committed against himself and his heirs only.[2] This stone is still standing. On 6th June 1377, King Robert II. granted to Sir John Maxwell and Isabella a charter of all the lands in the new forest of Galloway which had belonged to his dearest nephew, Sir James de Lindsay, Knight, and which he had resigned, and in this charter also he styles Isabella his dearest niece.[3]

These charters bring the date of the marriage of Sir John Maxwell and Isabella Lindsay within a very narrow compass. They show that it was improbable the marriage could have taken place before the year 1366, and they render it certain that they were married not later than 12th July 1369. This date of the marriage harmonizes with the age traditionally assigned to their heroic son John, at the Battle of Otterburn, in 1388. His mother, however, did not live to witness the triumphs of her gallant son. The battle in which he so gloriously earned his spurs was fought in July 1388;[4] and Isabella died before the preceding month of May, as appears from a charter by Sir John Maxwell, dated on the 6th of that month, in which she is designated as his late spouse.[5]

[1] Robertson's Index, p. 114, 24.

[2] Vol. i. p. 129.

[3] Reg. Mag. Sig. p. 131, No. 21.

[4] Froissart's Chronicles, vol. ii. p. 369.

[5] Vol. i. p. 133. Lord Lindsay, in his Lives of the Lindsays, vol. i. p. 51, note, judges that Isabella was married to Sir John Maxwell in 1372 or 1373; but the charters above quoted show that they were married before 12th July 1369. Lord Lindsay adds, "Isabelle afterwards married Sir Henry Preston, as proved by a charter of Sir James, the second of Crawford, to his 'dilecte sorori Domine Elizabethe' (a name often used interchangeably with Isabelle in the fourteenth century), and her husband, Sir Henry, of lands in Fermartyne, 1390-1397.—Aberdeenshire Collections, Spalding Club, p. 500." As Isabella Lindsay died before 6th May 1388, according to the charter above quoted, she could not have been married between 1390 and 1397 to Sir Henry Preston. Isabella Lindsay was survived by her husband, Sir John Maxwell, who married, secondly, the heiress of Whitchester, in Roxburghshire. Sir Henry Preston's wife was Elizabeth Lindsay, obviously a sister of Isabella.

The description of the armorial bearings of Sir John

On the 15th May 1390, Sir John granted a charter to his second son, Robert Maxwell, of the lands of Jackstoun, to be held by him and the heirs of his body; whom failing, by the heirs-male of his brother Sir John. To that charter Sir John the younger is a witness, under the designation of Sir John de Maxwell, Knight, son of the granter. William de Maxwell is also a witness, who, although he is not so designated, was probably the younger brother of Robert, and afterwards Laird of Aikenhead.[1] Sir John, the father, witnesses a charter of confirmation, by Duncan Earl of Levenax, to John Kennedy, who appears to have been a son-in-law of Sir John Maxwell, of a donation by Sir Gilbert Kennedy, Knight, Lord of Dunure, of the lands of Buchmonyn in the earldom of Lennox, dated 28th October 1393.[2] About this time, too, Sir John resigned the lands of Schithun, in Aberdeenshire, in favour of John Ogstoun, who thereupon obtained a charter from King Robert III.[3]

While Sir John was resigning lands in the north, he was aequiring others in the south. About the year 1399, he married, as his second wife, Elizabeth, daughter and heiress of St. Michael of Quhitchestre in Roxburghshire, and with her obtained these lands. A charter was granted on 6th May 1399, by Archibald Earl of Douglas on the resignation of Elizabeth, in her pure widowhood, to whom the lands had formerly belonged, and bears that they were to be held by Sir John and her, and the heirs of their bodies; whom failing, by her heirs whomsoever.[4] Of this marriage there was no issue, and the estate of Quhitchestre did not continue with the Maxwell family, but passed to that of the Scotts of Buecleuch. One of the minor titles of the Duke of Buecleuch is Lord Seott of Whitchester. Ann Duchess of Buccleuch and Monmouth called her eldest grandson Lord Whitchester, saying it sounded better than Lord Scott.[5]

Maxwell and Isabella Lindsay is thus aecurately given by Lord Lindsay:—"Four isolated shields, of the fourteenth century, taken from the ancient eastle, now in ruins, have been inserted by Sir John Maxwell of Pollock, the present representative of Isabelle, in the walls of the stables at Pollock. The first represents the arms of Maxwell, the second the fesse-chequée of Lindsay, the third the lion of Abernethy, and the fourth the garbs of Cumyn, the feudal arms of Buchan, probably added here, as having been assumed by Isabella's brother, Sir James of Crawford and Buchan. In those days families exhibited the arms of their different alliances in separate shields, instead of quartering them."—[Lives of the Lindsays, vol. i. p. 51, note.] A drawing of these arms is given in the present work. The Abernethy lion was at one time much more distinct than at present. The lion-supporters were probably adopted by Sir John Maxwell through his connexion with the Lindsays, who also took the lions for supporters.

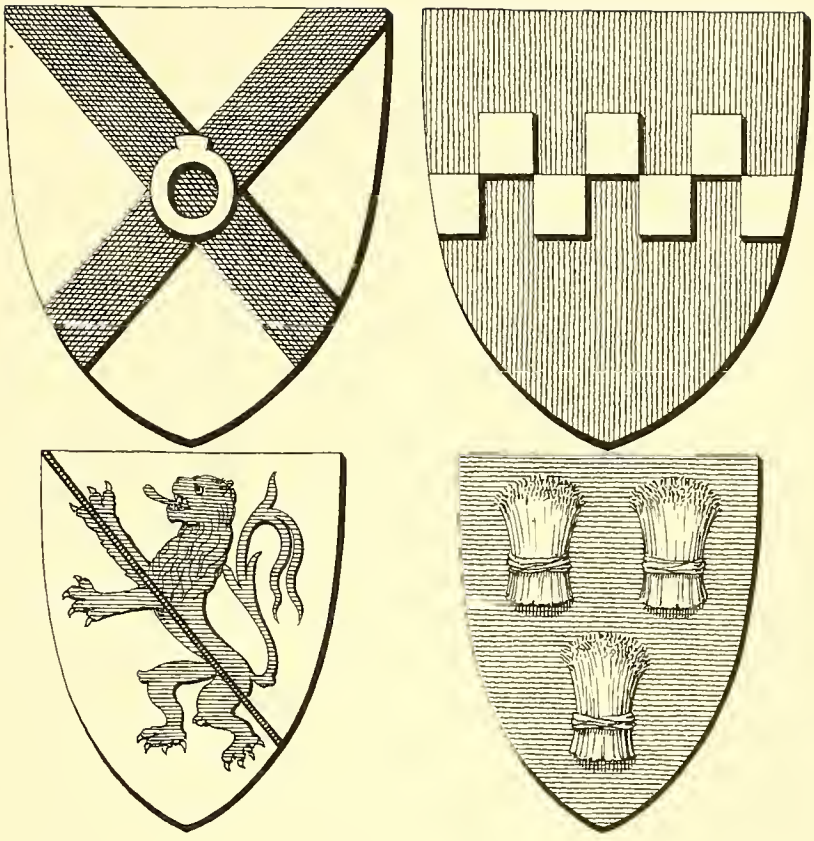
[1] Vol. i. p. 135.

[2] Cartularium de Levenax, p. 45.

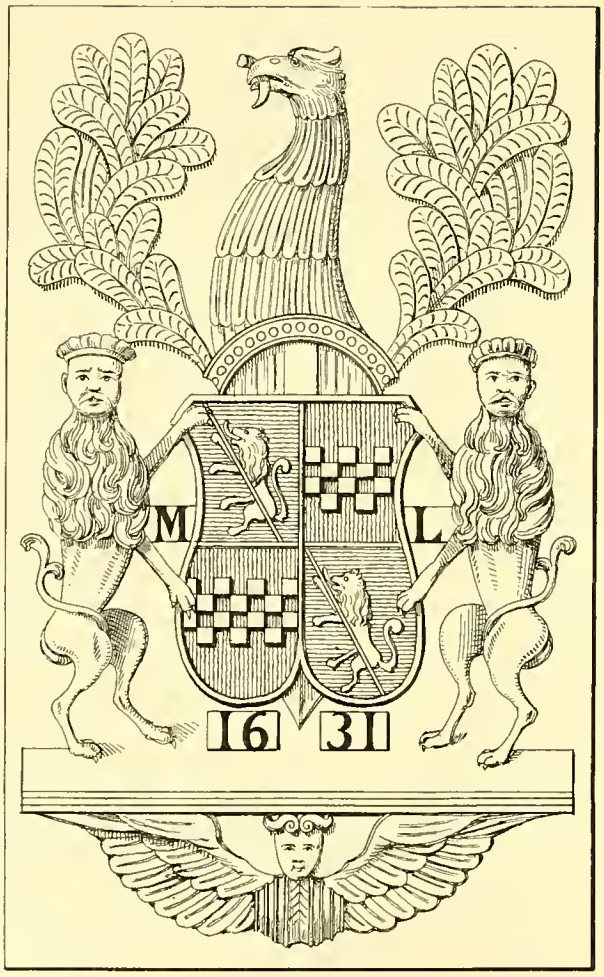
[3] Robertson's Index, p. 138, 22.

[4] Vol. i. p. 137.

[5] Original Letter at Melville.



ARMS OF SIR JOHN MAXWELL AND ISABELLA LINDSAY AT POLLOK.



LINDSAY ARMS, 1631.

Sir John Maxwell divided his large estates between his eldest and second sons, Sir John and Robert. By indenture, dated at Dumbarton on the 18th day of December 1400, it was agreed between Sir John the father and his second son Robert, on the one part, and Sir John the eldest son, on the other part, that Sir John the son should have the lands of Pollok and Carnwadrick, Castlebar, Mathewbar, and Dykebar, in Renfrewshire, and Murray and Headhouse in Lanarkshire, and that Robert should have Dripps, Jacktoun, Allartoun, Newlands, Calderwood, Greenhills, the two Aikenheads, and the overlordship of a quarter of Thornton in Lanarkshire, and Hawkshawlands, Finglen, and Carterhop in Tweedmuir.[1] This indenture is a very formal and carefully prepared document, and is an excellent specimen of an early legal writ in the Scotch language. Consequent on this indenture Sir John granted to his son Robert a charter of the lands of Calderwood on 4th May 1401;[2] and another of the lands of Little Akynhead about the same time.[3] He does not appear again on record, and must have died before 6th June 1414, as in a charter of that date by Euphemia Countess of Stratherne he is mentioned as deceased.[4] Sir John had by his first wife, Isabella Lindsay, three sons and two daughters :—

1. Sir John who succeeded him.
2. Robert of Calderwood. An account of the Calderwood branch will be found in a subsequent part of this work.
3. William of Aikenhead. A short account of the Aikenhead branch will also be found in a subsequent part of this work.
4. Janet, married to Thomas Murray of Culbyne. They had a charter from King Robert III. (between 1390 and 1406), of "ane pleugh" of Sandford, the lands of Flask, the milne of Semell, the passage and fishing of Semell, in the barony of Nauhame, and lordship of Newtoun, and the lands of Badfod, all in Aberdeenshire.[5]
5. Agnes married, before 1384, Sir Gilbert Kennedy of Dunure. Their eldest son was Sir James Kennedy of Dunure, who married in 1405 the Princess Mary, daughter of King Robert III., relict of George first Earl of Angus. Their third son was James Kennedy, the distinguished Bishop of St. Andrews in 1440. The eldest son of Sir James Kennedy, and the Princess Mary, was created Lord Kennedy, and was ancestor of the Marquis of Ailsa.[6]

In the testament of Sir Robert Maxwell of Calderwood, dated 7th September 1420, there is a legacy of three silver tassies to his sister, the Lady of

[1] Vol. i. p. 139.
[2] *Ibid.* p. 143.
[3] *Ibid.* p. 144.
[4] *Ibid.* p. 134.
[5] Robertson's Index, p. 144, 40.
[6] Historical Account of the Noble Family of Kennedy, printed at Edinburgh, 1849, pp. 13, 14, 16, 17, where reasons are given (by Mr. John Riddell) for Agnes Maxwell having been a daughter of Sir John Maxwell of Pollok, and not of his second son Sir Robert Maxwell of Calderwood, as stated in previous accounts of the family of Kennedy.

Seer (Domine de Seer).[1] Neither of his two sisters, Janet and Agnes, can be identified under that designation; and the Lady Seer may have been a third sister, of whom no other notice has been found.

IX.—Sir John Maxwell, Knight, fifth of Pollok, 1405-1429,

Sueeeeded his father in the Pollok estates about the year 1405. Long before that period he had distinguished himself in arms, and won knightly fame at the Battle of Otterburn. In the year 1388, the Scottish nobles resolved to make an incursion into England. James the great Earl of Douglas was chosen as leader, and four or five thousand select soldiers were devoted to the enterprise. John Earl of Moray, who was married to Marjory Stewart, eldest daughter of King Robert II., was second in command to Douglas, and Sir James Lindsay of Crawford, uncle of Sir John Maxwell, held a high rank in the expedition. With these illustrious kinsmen Sir John joined the invading force, and served in the company of the Earl of Moray. Douglas penetrated unperceived the mountainous frontier of England, suddenly descended on the rich country near Newcastle-on-Tyne, loaded his army with plunder, and was on his way back to Scotland with his booty, when he was pursued by Sir Ralph and Sir Henry Percy, the sons of his great antagonist and rival in renown, Percy, Earl of Northumberland. The armies met on the 31st July 1388 near Otterburn, about twenty miles from the Scottish border. The encounter was desperate and bloody, and many fell on both sides. On the side of the Scotch the great Earl of Douglas was amongst the slain. On the side of the English many men of rank perished; and Sir Harry and Sir Ralph Percy, sons of the Earl of Northumberland, were both taken prisoners; the former by Sir John Montgomerie of Eaglesham, and the latter by the youthful John Maxwell, heir-apparent of Pollok. After mentioning the fall of the Earl of Douglas, the historian Froissart adds:—Almost a similar accident befel Sir Ralph Percy as that which happened to the Earl of Douglas, for, having advanced too far, he was surrounded by the enemy and severely wounded, and being out of breath, surrendered himself to a Scots knight called Sir John Maxwell, who was under the command and of the household of the Earl of Moray. When made prisoner,

[1] Vol. i. p. 152.

the knight asked him who he was, for it was dark, and he knew him not. Sir Ralph was so weakened by loss of blood, which was flowing from his wound, that he could scarcely avow himself to be Sir Ralph Percy. "Well, Sir Ralph," replied Sir John, "rescued or not, you are my prisoner. My name is Maxwell." "I agree to it," said Sir Ralph; "but pay some attention to me, for I am so desperately wounded that my drawers and greaves are full of blood." Upon this Maxwell was very attentive to him, when suddenly hearing the cry of Moray hard by, and perceiving the Earl's banner advancing to him, Sir John addressed himself to the Earl of Moray, and said, "My Lord, I present you with Sir Ralph Percy as a prisoner, but let good care be taken of him, for he is very badly wounded." "The Earl," the historian adds, "was much pleased at this, and replied, 'Maxwell, thou hast well earned thy spurs this day.'"[1] For this distinguished service he was immediately knighted, and was ever afterwards designated Sir John Maxwell, knight.[2] His father, Sir John, whom some have erroneously supposed to be the hero of Otterburn, had been knighted long previously.[3]

Sir John, the son, further appears on record as heir-apparent of his father in various writs connected with the family estates previous to his succession about 1405. Thus, in the charter granted by his father to his brother, Robert, of the lands of Jackston, on 15th May 1390, failing sons of Robert, the lands were provided to the heirs of his brother, Sir John;[4] and the same provision is made in the charter of the same lands to Robert by James Stewart, Lord of Kilbride, on 25th January 1394. Failing the heirs-male of Robert, it was settled that the lands were to be inherited by Sir John Maxwell, knight, son and heir of Sir John Maxwell of Pollok.[5] And by the indenture of 18th December 1400, Sir John, the son and heir of Sir John Maxwell, was provided, as we have seen, with the lands of Pollok and Carnwaderick, Castlebar, Matthewbar, and Dykebar, in Renfrewshire, and Murray and Headhouse in Lanarkshire, as his division of the estates.[6] Sir John is said to have married a daughter of his neighbour Montgomerie of Eagleshame. But of this there is no evidence: and it is remarkable that while Sir John was so conspicuous in early life, and connected through his mother with the royal family, and the noble house of Lind-

[1] Froissart's Chronicles, Johne's translation, vol. ii. p. 369.
[2] Vol. i. pp. 135, 136.
[3] Vol. i. p. 129.
[4] Vol. i. p. 135.
[5] Vol. i. p. 135.
[6] Vol. i. p. 139.

say, so little is known of him in his more mature years. Very little trace of him is to be found after the battle of Otterburn. He died before 22d November 1429, at which date Thomas Maxwell was Lord of Pollok.

X.—Thomas Maxwell, sixth of Pollok, 1429-1450,

Was in possession of Pollok on 22d November 1429, as appears from a decree of the Chamberlain of Scotland in the action between the burghs of Renfrew and Dunbarton, concerning their boundaries, in which he was one of the assize, under the designation of Thomas Maxwell, Lord of Nether Pollok.[1] The fact of his succeeding to the estate of Pollok, which had been settled on the heirs of Sir John in 1400, shows that he was his nearest heir, and most probably his son, according to the period of time at which he succeeded. The only other notice of him is in the year 1441. Thomas Maxwell of Pollok had a grant of the lands of Little Akinhead from John Maxwell of Calderwood shortly before, or early in the year 1441, but in consequence of some dispute between them, the particulars of which have not been handed down to us, the grant was reduced by a decree of the Lords Auditors of Parliament on 1st June of that year. An instrument, in name of King James II., which narrates this decree, dated 3d June 1441, is printed in this volume.[2] Thomas Maxwell died before 6th February 1452, on which date John Maxwell, his son, was Laird of Pollok. Thomas Maxwell had two sons,—

1. John, who succeeded to Pollok.
2. Thomas Maxwell, father of Thomas Maxwell, who was Laird of Auldhouse in 1520, and whose descendant, Sir George Maxwell of Auldhouse, succeeded, in 1647, to Pollok, and carried on the line of the family, as shown in a subsequent section of these memoirs.

XI.—John Maxwell, seventh of Pollok, 1450-1487.

John Maxwell succeeded his father, Thomas Maxwell of Pollok, about the year 1450. He first appears on record on 6th February 1452, on which date an indenture was made at Carlaverock between Herbert Lord Maxwell, and John Maxwell of Pollok, concerning the holding of the lands of Pollok. Lord Maxwell thereby agreed to give to John Maxwell of Pollok heritable

[1] Description of Renfrewshire, etc., by William Hamilton of Wishaw, printed for the Maitland Club, 1831, pp. 283, 284.

[2] Vol. i. p. 163.

possession of the lands of Nether Pollok, according to the old charter thereof granted by his Lordship's predecessors; or, in case of its not being found, to grant a new charter in similar terms; and, on the other hand, John Maxwell of Pollok was to be "man" to his Lordship, and maintain and support him in all his concerns against all "erdly men," his allegiance to his Majesty alone excepted.[1] John Maxwell of Pollok next appears as a witness to the infeftment, on 10th September 1456, by Sir Robert Sempill, Lord of Eliotston, knight, as Sheriff of Renfrew, of Sir John Stewart, Lord Darnley, in the lands of Henryston.[2]

John Maxwell of Pollok subsequently, on 19th July 1468, witnesses an instrument of resignation by Katherine of Setoun, Lady of Darnley and Maxwell, in favour of Robert Lord Maxwell, of the lands of Hazeldean and others.[3] Again, on 20th November 1471, John Lord Darnley granted at Darnley an obligation to John Maxwell of Pollok, whereby his Lordship became bound to counsel and assist him and his "bairns" in all their concerns, to set to him in liferent the lands of Glanderston, and to quitclaim him of all obligations made to his Lordship; and, on 8th July 1476, he obtained a transumpt of that obligation under the hand of the official of Glasgow.[4]

The last notice of this Baron of Pollok is on the 17th January 1487, when he and his son Hugh Maxwell resigned into the hands of Patrick Leych, Official General of Glasgow, the half of the lands of Easter Henryston, in the barony and shire of Renfrew; and also all charters and other writs concerning the same made to the said resigners by John Earl of Lennox, Lord Darnley, whereupon John Sempill of Fulwood, as assignee of the Earl, took instruments, in presence of John Raylston of that ilk, and other witnesses.[5]

John Maxwell of Pollok is presumed to have died soon after the year 1487. The name of his wife has not been ascertained. He had three sons and one daughter, viz.:—

1. John, who succeeded him in Pollok.
2. Hugh Maxwell, who along with his father, John Maxwell, resigned, on the 4th of January 1487, the easter half of the lands of Henryston, as already mentioned. When the feud between the neighbouring families of the Maxwells of Pollok and the Mures of Caldwell was

[1] Vol. i. p. 169.

[2] Original sasine in Blantyre Charter-chest. The witnesses to this infeftment are: Nobilibus viris, domino Johanne Royss domino de Haukhed, domino Vilelmo Sympill militibus, Johanne Maxwell domino de Pollok, Johanne Logan domino de Rass, et Patricio domino de Qubitfurd, armigeris.

[3] Vol. i. p. 182.

[4] Vol. i. p. 184.

[5] Original Instrument of Resignation in Blantyre Charter-chest.

at its height, in the year 1500, Hugh and his nephew, the young Laird of Pollok, committed forethought felonies on Hector Mure, son of the Laird of Caldwell, in the village of Renfrew. For this and all other crimes and offences committed against the Laird of Caldwell in times past, a remission was granted by King James IV. in favour of Hugh Maxwell and his nephew, John Maxwell, son and heir-apparent of the Laird of Pollok, dated 21st January 1500.[1] This is the last notice found of Hugh Maxwell.

3. Malcolm Maxwell, who is a witness to several charters between the years 1504 and 1512. In particular, he witnessed the following :—Charter by John Maxwell of Pollok to Alexander Lindsay of Corsbasket and Eupham Maxwell, his spouse, dated 20th January 1504 ;[2] Charter by Mathew Earl of Lennox, to John Muir of Altonburn and Elizabeth Stewart, his spouse, of the lands of Allhallow Chapel, dated 21st December 1506, in which Malcolm is styled brother-german of the Laird of Pollok ;[3] Charter of Confirmation by the same Earl of Lennox to John Whiteford and Egidia Park, his spouse, of the lands of Hillfield, dated 21st July 1512.[4] No later notice has been found of Malcolm Maxwell.
4. Marion Maxwell, who was contracted in marriage to Robert Ross of Tarbet in 1462.[5]

XII.—John Maxwell, eighth of Pollok, 1487-1510, Elizabeth Stewart, his wife, 1495-1540.

He sueeeeded his father in Pollok about the year 1490. He is a witness to a charter by John Earl of Lennox, in favour of Sir John Montgomerie of Heighthead, of the lands of Pottarton and Deaconsbank, dated 16th April 1493,[6] and to an obligation by the same Earl, on the same date, to maintain Sir John Montgomerie in these lands.[7] It appears from a notarial instrument of cassation, dated 14th May 1494, that John Lord Maxwell, as superior of the lands of Pollok, annulled a sasine given by himself to this John Maxwell, of these lands, because of irregularity in the direction and serving of the brieve by the sheriff, and in the deliverance of the assize. Lord Maxwell broke a wooden dish or platter ("diseum ligneum fregit") on the lands, and at the principal mansion, according to the practice in similar cases.[8] On the 20th of April 1495, John Lord Maxwell and this Laird entered into an agreement concerning the tenure of the lands of Pollok.[9] And

[1] Vol. i. p. 219.

[2] Original charter delivered to Robert Hamilton of Torrance, 13th May 1611, as part of the writs of the lands of Murray and Headhouse.—[Pollok Inventory, 1824, p. 2, No. 2. (2).]

[3] Original Instrument of Sasine among Coilsfield Writs, Bundle I., No. 2, at Eglinton.

[4] Vol. i. p. 229.

[5] Note of contract at Hawkhead.

[6] Vol. i. p. 203.

[7] Vol. i. p. 205.

[8] Vol. i. p. 206.

[9] Vol. i. p. 209.

on the 3d of November the same year, he had a charter of the lands of Pollok from Lord Maxwell,[1] and was infeft on the 6th of the same month.[2] He had also a grant of the ward and relief of Pollok from Lord Maxwell.[3]

This Laird having married a daughter of John first Earl of Lennox, the Earl made over to him the lands of Wester Henryston, which adjoin the estate of Pollok, and in which he was infeft in July 1495.[4] He did not long retain these lands, having, on 3d August 1503, granted a charter of them to John Lord Sempill, who was infeft on the 30th of the same month.[5] On the 26th October following, Lord Sempill granted to John Maxwell a letter of reversion, binding himself to renounce the lands when the price was repaid.[6] And on the 17th October 1505, John Maxwell of Pollok, for a certain sum of money, renounced, in favour of Lord Sempill, the right of reversion.[7] Before the feudal title in favour of Lord Sempill was completed, the Laird of Pollok died. His great-granddaughter, Elizabeth Maxwell, who was heiress of Pollok, made up a title to the lands of Wester Henryston, and on the 26th February 1555, Queen Mary granted a precept for infefting her as heiress to her great-grandfather. The lands continued in the possession of Elizabeth Maxwell and her husband for nearly forty years, when she and her son sold them to Walter Stewart first Lord Blantyre, then Commendator of Blantyre, by charters dated in 1594 and 1595, which were confirmed by the Crown on 26th June 1595.[8] As the representative of the Commendator, Lord Blantyre is now the proprietor of the lands of Henryston.

On the 19th May 1503, John Maxwell was appointed by Lord Sempill as one of his procurators for resigning the lands of Craigrossy into the hands of King James IV., for a re-grant of the same to Robert Archbishop of Glasgow.[9] On 18th May 1504, John Maxwell had a letter of reversion of the twenty shilling lands of the Park of Nether Pollok from John Stewart of Ardgowan.[10] On the 28th August following, he obtained a tack of the four merk lands of Govan Shiels from Robert Archbishop of Glasgow ;[11] and on the 20th January of the same year, he granted a charter of the lands of Headhouse to Alexander Lind-

[1] Vol. i. p. 211.
[2] Vol. i. p. 214.
[3] Vol. i. p. 215.
[4] Vol. i. p. 210.
[5] Original charter and sasine in Blantyre Charter-chest.
[6] Original reversion, *ibid.*
[7] Original instruments of renunciation, *ibid.*
[8] Original charters, etc., *ibid.*
[9] Registrum Episcopatus Glasguensis, p. 504.
[10] Vol. i. p. 223.
[11] Vol. i. p. 225.

say of Corsbasket, and his wife, Eupham Maxwell.[1] John Maxwell of Pollok died before the 9th September 1513, as appears from the retour of his great-granddaughter, in which it is stated that he died in the reign of King James IV., and it is matter of history that that sovereign fell at the battle of Flodden on 9th September 1513.[2] This Laird of Pollok married Elizabeth Stewart, daughter of John first Earl of Lennox, of the house of Darnley. Elizabeth Stewart, Lady Maxwell of Pollok, survived her husband for a considerable time. She liferented the lands of East Shiels of Govan and Govan Haggs, and on the 10th December 1527, she consented to her son, George Maxwell of Cowglen, and his son and heir, John Maxwell, being rentalled in these lands, instead of Robert Maxwell, Bishop of Orkney, who had resigned them in favour of these parties, being his brother and nephew.[3] Elizabeth Stewart died about the year 1540. John Maxwell of Pollok and Elizabeth Stewart had four sons, viz. :—

1. John, who succeeded to Pollok.
2. Robert, who became Bishop of Orkney. A short memoir of him will be found after the charters in this volume.
3. George, of Cowglen. A short notice of whom will also be found after the charters.
4. William, who was generally designated of Carnwaderick, then a separate property, but now part of the Pollok estate. He granted an obligation in favour of his brother, George Maxwell of Cowglen, on the 23d October 1527, binding himself not to uplift any of the duties of the lands of Pottarton, Hillfield, and Deaconsbank, so long as he was not troubled in the possession of Carnwaderick and Pollokhaugh.[4] This William Maxwell is named as the next heir-male after his brother, the Bishop of Orkney, in the destination of the Pollok estate which was made on the occasion of the marriage of his nephew, John Maxwell, with Elizabeth, the heiress of Pollok. On the 27th August 1536, John and Elizabeth Maxwell of Pollok granted a charter to William Maxwell of the lands of Carnwaderick, in liferent, and to him and his spouse, Janet Cathcart, of the lands of Pollokhaugh, in fee.[5] It appears from an instrument dated 17th July 1539, that certain occupiers thercin named, of "maylings" called Govan Shiels, each gave over his mayling, with a piece of tree, as use is, to William Maxwell, as bailie of his mother, Dame Elizabeth Stewart, Lady of Pollok, tenant of Govan Shiels, to my Lord of Glasgow.[6] On the 23d March 1540, and the 26th March 1541, William Maxwell, along with Walter Maxwell of Aikenhead, delivered to the Laird of Pollok certain furnishings which had belonged to the Bishop of Orkney.[7] William died before 13th July 1542, on which date Janet Cathcart, as his relict, and their three children, John, Robert, and Isabel, received a lease of Carnwaderick from John and Elizabeth Maxwell of Pollok.[8]

[1] Original charter delivered to Robert Hamilton of Torranee, 13th May 1611.—[Inventory of Writs at Pollok in 1824, p. 2.]

[2] Vol. i. p. 293. In a note on a summons of declarator, to be afterwards quoted, it is stated that he "decessit lang befor the feyld of Flowden."

[3] Vol. i. p. 253. [4] Vol. i. p. 254. [5] Vol. i. p. 276.

[6] Original Instrument at Pollok.

[7] Vol. i. p. 283. [8] Copy lease at Pollok.

Janet Cathcart married secondly, with consent of John Maxwell of Pollok, John Roberton of Ernock.[1] She continued to possess Carnwaderick and Pollokhaugh till 18th January 1565, when she and her son John Maxwell resigned all claim to these lands to Sir John and Elizabeth Maxwell for the sum of 400 merks, and their right to Over Cowglen.[2] To this resignation Robert Maxwell, brother of John, is a witness.

XIII.—John Maxwell, ninth of Pollok, 1510-1517; Margaret Blair, his wife, 1494.

John Maxwell, eldest son of John Maxwell of Pollok and Elizabeth Stewart, succeeded his father about the year 1510. As already mentioned, this Laird and his uncle Hugh Maxwell committed forethought felonies on Hector Mure, son of the Laird of Caldwell, at the time when the feud between the two families was at the worst. On 21st January 1500, John Maxwell, son and heir-apparent of John Maxwell of Pollok, and Hugh Maxwell, brother-german to the Laird of Pollok, obtained a remission from King James IV. for these crimes.[3] This was not the last encounter between the Maxwells and the Mures. Soon after this remission, John Mure of Caldwell was criminally indicted for the great oppression done to John Maxwell of Pollok for sixteen years; and specially for having attacked him near the burgh of Irvine, with intention to slay him, when he was riding on his lawful business, attended by a single servant, and having carried him to Eglinton Castle, of which Mure and his accomplices had charge for the time. Maxwell was there forcibly detained by them from two o'clock afternoon until ten o'clock on the following morning, when he was relieved by the Earl of Eglinton, who gave him protection in his Castle of Ardrossan.[4]

This Laird of Pollok married Margaret daughter of John Blair of that Ilk, before 6th October 1494, on which date they were infeft in four merks of land on the south side of Pollok, and also in the five-merk lands of Dykebar, Mathewbar, and Castlebar.[5] He did not long enjoy the family estates, having died in May 1517, as appears from a summons of declarator of non-entry of the lands of Murrays and Headhouse, against his granddaughter Elizabeth Maxwell and others, dated 17th May 1550. The summons bears that the lands had

[1] Copy consent at Pollok.
[2] Extract contract at Pollok.
[3] Vol. i. p. 219.
[4] Contemporary copy indictment at Pollok.
[5] Vol. i. p. 208

been in non-entry since the death of John Maxwell of Pollok, "grandsehir" of Elizabeth Maxwell, the defender, who died in May 1517, or for the spaee of thirty-three years or thereby.[1] Owing to the shortness of the period during which this John Maxwell possessed the estate of Pollok, little more is known of his personal history than what has now been stated, and that by Margaret Blair he left two sons and one daughter :—

1. John, who succeeded to Pollok.
2. "Thomas Maxwell, filius domini de Pollok," who was entered in Glasgow University, 9th July 1523.[2] It is probable that he died young and unmarried, as he is not among the male heirs named in the charter of the estate of Pollok made on the occasion of the marriage of John Maxwell of Cowglen with his cousin Elizabeth Maxwell, heiress of Pollok, dated 15th August 1536.[3]
3. Katherine Maxwell. Her uncle, George Maxwell of Cowglen, by his will, dated 30th August 1522, left her a legacy of one hundred merks to her marriage.[4] She married in June 1515, John Fullarton of that Ilk and of Corsbie, in the county of Ayr, when she got a charter of part of his estate for her life. On 23d February 1534, John Hamilton of Camskeith, executor of the late John Fullarton of Corsbie, and Katherine Maxwell his spouse, granted a discharge for £40, to Robert Bishop of Orkney, in part of a larger sum.[5] John Fullarton died in 1528, leaving by her a son John, who carried on the line of that ancient family.

XIV.—John Maxwell, tenth of Pollok, 1517-1523 ; Elizabeth Houston, his wife, 1518-1530.

John, son of John Maxwell and Margaret Blair, succeeded to the estate of Pollok in the year 1517, in his minority ; and his uncle Robert, then rector of Tarbolton, afterwards Bishop of Orkney, acted as his tutor and guardian, and as such obtained the ward of the estate of Pollok.

While yet a minor, this laird married Elizabeth Houston, daughter of Patrick Houston of that Ilk, and his wife, Janet Cuninghame.[6] As wardator of the lands of Pollok, his uncle, Robert Maxwell, on the 30th October 1518,

[1] Original Summons at Pollok. This summons was prepared by the law-agent of the Superior of the lands in non-entry, and he fell into a mistake in reference to the last person entered, who was the great-grandfather of Elizabeth, the heiress, and died before the year 1513. On the margin of the summons, opposite the date of May 1517, there is a note in a contemporary hand, stating that the great-grandfather of Elizabeth "decessit lang befor the feyld of Flowden, and wes maryit on Elezebeth Stewart."

[2] Munimenta Universitatis Glasguensis, vol. ii. p. 148.

[3] Vol. i. p. 273.

[4] Vol. i. p. 251.

[5] Original Discharge at Pollok. Lord Pollok has indorsed on this discharge that he believed this £40 was given in tocher with Katherine.

[6] Memorandum dated 1602, at Pollok. Crawfurd's Renfrewshire, Semple's Edit., pp. 104, 187.

granted to him, a minor in years, and to Elizabeth Houston, his spouse, the £5 lands of Pollok, with garden, tower, and other houses built on that side of the river Cart, on condition that if John should predecease Elizabeth, she should have a third of the same for her lifetime.[1] In the following year, John Maxwell, with consent of his uncle and curator, sold to John Weir, son and apparent heir of John Weir of the Weichtshaw, and Margaret Carlile, his spouse, the easter quarter of the Shaws, and obtained from them a letter of reversion of the same, for payment of 100 merks, dated 23d December 1519. It is stated in a memorandum prepared in or about the year 1567, that John Maxwell of Pollok died in the "hynder end" of April, or the beginning of May 1522;[3] but this appears to be a mistake for 1523, as he was alive on 24th August 1522, and on that date received from the Regent Albany a gift of the "taxt" of Pollok.[4] According to the memorandum just mentioned, Elizabeth Maxwell, only daughter and heiress of this laird, was forty-five years of age "cum lentrene" following May 1567, and must therefore have been born in 1523, about the time that her father died.

Elizabeth Houston survived her husband, and married secondly, David Cuninghame of Bartonholm, before 7th December 1525, when she agreed to renounce her terce, as relict of John Maxwell of Pollok, upon receiving from George Maxwell of Cowglen the sum of three hundred merks in lieu thereof.[5] She survived her second husband also, and married thirdly, Kirkpatrick, by whom she had a son, Richard, and a daughter, Elizabeth Kirkpatrick.[6]

John Maxwell was succeeded in 1523 by his only lawful child,

XV.—Elizabeth Maxwell, heiress of Pollok, 1523-1592.
XIV.—Sir John Maxwell of Cowglen, her husband, 1524-1577.

Elizabeth Maxwell, daughter of John Maxwell and Elizabeth Houston, was born in the year 1523,[7] and succeeded to her father in the estate of Pollok in the same or in the following year. Her great-uncle George Maxwell of Cowglen, who was the heir-male of the family, obtained from the Crown, in

[1] Vol. i. p. 237.
[2] Vol. i. p. 240.
[3] Original in the Blantyre Charter-chest.
[4] Vol. i. p. 250.
[5] Notarial copy of contract at Pollok.
[6] Edinburgh Commissariot Records, 25th March 1594.
[7] Original Memorandum in Blantyre Charter-chest.

1524, a gift of her marriage. As soon as his own son was of age to be married, George Maxwell arranged to unite the two lines of the family by the marriage of his son and the heiress. This arrangement appears to have given satisfaction to the friends of the family. As John Maxwell and the heiress were related in the second and third degrees of consanguinity, they could not be married without a Papal dispensation. The venerable Bishop of Orkney, who was guardian to Elizabeth's father, and had long taken a warm interest in the affairs of the family, now used his influence to promote this marriage, and on 27th February 1534, entered into a contract for securing the requisite dispensation.[1] A declaratory bull was issued at Rome on the 15th April 1535, and the dispensation was finally granted at Glasgow on the 31st August of the same year.[2] John resided in the parish of Dunbarton, and Elizabeth in the parish of Pollok or Eastwood, and this rendered necessary the publication of their banns in each of these parishes. The banns were three times publicly proclaimed in the respective churches of these parishes on proper days, and with the requisite interval between each proclamation, as particularly stated in the two certificates of proclamation dated 13th and 15th January 1535.[3] It is to be presumed that the marriage took place soon after these proclamations, although the heiress could not have been more than thirteen years of age at the time, having been born in 1523, as already shown. Her husband was about a year younger, having been forty-three years of age on 20th May 1567. He had thus been born in 1524, and at the time of his marriage was scarcely twelve years of age. The Blantyre Memorandum, however, from which these dates are taken, may not be strictly accurate, as it is not a contemporary document.

On the 9th August 1536, Robert fifth Lord Maxwell granted a precept of *clare constat* for infefting Elizabeth Maxwell in the lands of Pollok and Carnwaderick, as heir of her father John ; and two days thereafter sasine was given to her at the principal mansion of Pollok.[4]

On the 14th of the same month, Elizabeth Maxwell of Pollok, and John Maxwell of Cowglen, her spouse, made resignation of the lands of Nether Pollok,

[1] Vol. i. p. 264. [2] Vol. i. p. 265. [3] Vol. i. p. 269. [4] Original instrument of sasine at Pollok.

with the castle, fortalice, manor place, gardens, etc., of the same, including the Mains of Nether Pollok, Pollokshaws, with the mill of the same, and also the village of Polloktoun, and park, and Pollokhaugh, with the lands of Carnwaderick, all in the barony of Renfrew. This resignation was made at Edinburgh, in the house of Robert Maxwell, Bishop of Orkney, in the hands of Robert fifth Lord Maxwell, the Superior, for new infeftment to be given by him in favour of the granters and the heirs-male of their bodies; whom failing, to Robert, brother of John, and the heirs-male of his body; whom failing, to Robert Bishop of Orkney, and after his decease, to William Maxwell of Carnwaderick, his brother, and the heirs-male of his body; and all of whom failing, to the lawful heirs-male of the said John whomsoever, bearing the name and arms of Maxwell.[1] On the following day, Lord Maxwell granted a charter in terms of the resignation.[2] This is a very important destination, as showing the heirs-male of the direct Pollok line who were then in existence. On the 27th of the same month, John and Elizabeth granted to their uncle William a charter of the lands of Carnwaderick, and to him and Janet Cathcart, his wife, a charter of the lands of Pollokhaugh.[3] This charter bears to be made for the favour which William had shown in reference to the marriage of the granters, and for his resigning the lands of Govan Shiels and Haggs.

Soon after his marriage, John Maxwell of Pollok was summoned by King James V. to wait upon him on his arrival from France with his young Queen, Magdalene, eldest daughter of King Francis I. His Majesty's missive is dated 8th February 1536, and requests "Oure weil belouit freind of Netherpook" to be ready with his friends and servants, both horse and foot, and in their best accoutrements, to repair to Edinburgh to receive their Majestics.[4]

The venerable Bishop of Orkney, who had for many years been the kind adviser of the young lairds of Pollok, died between the 24th of October and the 24th of December 1540,[5] and on his death considerable trouble arose with regard to the disposal and custody of some of his effects. His silver plate was committed to the charge of his nephew, the Laird of Pollok, to be kept by him for behoof of the heirs of the bishop; and in a similar manner, part of his furniture was delivered to the Laird by Walter Maxwell of Aiken-

[1] Original instrument of resignation at Pollok.

[2] Vol. i. p. 273. This charter was confirmed by Crown charter, dated 15th May 1585. [Original at Pollok.]

[3] Vol. i. p. 276.

[4] Vol. i. p. 278.

[5] Vol. i. pp. 280, 281.

head, one of the executors. The Laird granted an obligation for the safe custody and re-delivery of the plate, and in October 1541, was put to no little trouble regarding the redemption of two silver cups which had passed into the hands of Adam Colquhoun, official of Glasgow.[1]

The public services which this Laird was called upon to perform afford evidence both of his integrity and ability. He was keeper of the Castle of Glasgow before the year 1544; he delivered the keys to Gavin Dunbar, Archbishop of Glasgow, on 11th May of that year;[2] and at the same time he received a discharge from Matthew Earl of Lennox for the gear and goods which were in the castle at his entry as keeper.[3] Queen Mary, by commission dated 10th January 1557, appointed John Maxwell of Pollok Justiciar within the bounds of the lands and the lordship of Bothwell, belonging to Lady Margaret Maxwell, relict of Archibald Earl of Angus. The special object of this commission was the apprehension and punishment of two thieves, John Crokcat and John Ottirburn; and for this object the Laird had full power to hold courts, appoint deputies and officers, and all others necessary.[4]

This Laird's business was not limited to the management of his own estates. He was the confidential correspondent of many persons of eminence. The earliest letter printed in the following collection, is from Margaret Countess of Angus (c. 1550), asking the Laird of Pollok to treat with the parson of Douglas anent the teinds of certain lands, and assuring him that he might in return command her whenever she had it in her power to do him favour.[5] Janet Lady Darnley wrote to him about the year 1560, thanking him for an offer of assistance, and stating that she would apply to him, in her emergency, in preference to any one else.[6] Lady Beatrix Douglas, Lady Maxwell, who had the liferent of Mearns after the death of her husband, Robert sixth Lord Maxwell, intrusted the management of that barony to the Laird of Pollok. John Maxwell, Lord Herries, had great regard for him, and confidence in his integrity and prudence. He left the complaints of the tenants of Mearns to be dealt with at the Laird's discretion; and further, in speaking of the wilfulness of his nephew, his Lordship adds, "I desyre yow to send him your counsel, if you may nocht travel yourself;" thus clearly hinting that, if

[1] Vol. i. pp. 281-284. [2] Vol. i. p. 285. [4] Original commission at Pollok.
[3] Vol. i. p. 286. [5] Vol. ii. p. 125. [6] Vol. ii. p. 127.

the Laird's counsel failed, he had little hopes of anything reclaiming his brother's wayward son.[1]

In the year 1553, a competition arose between this laird and his neighbour, John Pollok of Upper Pollok, for the bailiery of the Lordship of Mearns, to which they both made claim. In prosecution of his claim, the Laird of Upper Pollok did not confine his efforts to the civil courts, but he, along with Robert Lord Sempill, Sheriff-Principal of Renfrewshire, and others, made a serious assault on John Maxwell of Pollok. The letters of complaint bear that these parties cruelly set upon him when he was passing to the Castle of Mearns, and hurt and wounded him in various parts of his body, wherethrough there was unkindliness standing betwixt Lord Sempill and him. This assault is narrated in letters raised at the instance of the aggrieved Laird of Pollok on 18th July 1553 against the parties, to discharge the said Sheriff from judging in the civil suit raised between the lairds, on account of the partiality of Lord Sempill to the Laird of Upper Pollok, as his lady was daughter to Gabriel Sempill of Cathcart, who was "brother bairn with Lord Sempill," and who would not fail to take plain part with his relative against the complainer the Laird of Pollok.[2]

The competing bailies, with the view of enforcing their rights, summoned the tenants of the barony to their courts, and fined them for non-compearance. Such a state of matters could not long continue. After several attempts to settle the claims by a reference to neutral arbiters, the case came before the Supreme Civil Court. A decree was pronounced by the Lords of Council on 19th April 1554. They found that John Maxwell of Pollok had right to the office, and discharged the Laird of Upper Pollok from attempting to exercise it. He founded his right upon a letter of bailiery by Robert Lord Maxwell, dated 29th November 1545. John Maxwell of Pollok offered to prove that the alleged letter was false and fenzeit, and the decreet bears that he "Imprevit the samen sufficientlie" to the satisfaction of the Lords.[3]

This decision seems to have settled the feud as to the bailiery of Mearns and the neighbouring lairds became reconciled. In the year following the decreet, Robert Lord Sempill, as Sheriff of Renfrew, by lease dated 17th April 1555, set to his well-beloved John Maxwell of Pollok, all the waith goods of

[1] Vol. ii. p. 131. [2] Original letters of charge at Pollok. [3] Original decreet at Pollok.

nolt, sheep, horse, staigs, stirks, and others, "gangand waith maisterlis unehallangit" within the bounds of the muir of Mearns and the lands of Nether Pollok belonging to him by reason of his offiee of Sheriff, with power to seek and dispone the same.[1]

Sir John Maxwell's eorrespondenee with George Heriot, goldsmith, Edinburgh, the father of George Heriot who founded the Hospital whieh bears his name, is worthy of notiee. Two letters from George Heriot, senior, written about the year 1570, are good speeimens of the quaint style of the eautious tradesman, whilst they at the same time show the care and prudenee of his equally eautious eustomer. Sir John wanted a "hyngair," and was offered one for two crowns and a half, whieh he deemed too expensive. George Heriot thereafter wrote to him, assuring him upon his "honaistie" that he had sold the said hyngair for three erowns, and sending him another hyngair, whieh was "at ane word thre crounis."[2]

This Laird of Pollok was a warm supporter of the unfortunate Mary Queen of Seots, and adhered to her eause to the last. In the year 1546, her Majesty, with advice of James Earl of Arran, Regent, granted to John Maxwell of Pollok the ward and nonentry of the lands of Nether Pollok, then in her hands by the death of Robert Lord Maxwell.[3] And next year the Regent's favour was shown to him, by the issuing, on the 10th March 1547, of a warrant to stop all proeeedings instituted against this Laird for absenting himself from the raid eonvened "at the Seneliar in Nythisdale," for resisting of our "auld innemyis of Ingland."[4] The Queen also, on 6th September 1550, granted lieense to the Laird to proeeed to France with his chief, Robert sixth Lord Maxwell, and to remain there as long as they pleased, for transaeting of certain business for the Queen, and for the weal of her and Seotland; and her Majesty took their estates into her protection during their absence. The Laird was also in favour with Mary Queen Dowager, and her Majesty, when Regent of Seotland, wrote to him on 7th February 1559, desiring him to coneur with the Earl of Eglinton, and other loyal subjects, in eheeking and keeping under the rebels who had then risen against their sovereign's authority.[5] On the 4th March of the same year (1559), James Duke of Chatelherault, Earl of Arran, and other eonfederated Lords, wrote to the Laird

[1] Original lease at Pollok. [2] Vol. ii. pp. 138, 139. [3] Vol. i. p. 290. [4] Vol. i. p. 291. [5] Vol. ii. p. 1.

requesting him to join them at Glasgow next day, for the transaction of urgent business, which could not be done without his presence, and which he would know when he went;[1] and again, on the 23d of the same month, asking him to come to Glasgow on the 26th, as he had been prevented from doing so on the 20th, by reason of the "browlye" that the French had made in these parts; and requesting that both he and his kin and friends should appear equipped in their best, with thirty days' provisions, to pass forward and meet their friends of England, and assist them in expelling the French, who were then oppressing the lieges of the country.[2] In the following year, the Laird had a still more important commission from the Regent. Lord Sempill having, for various acts of oppression and other offences, been denounced rebel, shut himself up in his Castle of Sempill, and was defying the lawful authorities. The Regent resolved to send his son to reduce Castle Sempill, and wrote to John Maxwell of Pollok on 25th September 1560, to meet the Regent's son at Glasgow on the last of the month, with all his friends and servants, "bodin in fear of weir," and prepared to remain with him for fourteen days.[3] Again, in the year 1567, Sir John was specially called upon to take part in the enterprise entered upon by the Earls of Atholl, Morton, Glencairn, Mar, and others, for discovering the murderers of Darnley, and freeing Queen Mary from the slanders heaped upon her on account of her marriage with the Earl of Bothwell.[4]

The Queen, on her escape from Lochleven Castle in May 1568, and when rallying her forces at Hamilton for her last struggle in Scotland, wrote to Sir John to join her standard with his followers, and excuses the brevity of her letter to him on this occasion, because, as she says, she knew his constancy.[5] Nor was her confidence misplaced, for Sir John at once obeyed the call, and the last battle for Mary took place near his own Castle of Pollok, on the ill-fated field of Langside. But the Regent Murray was victorious; and Sir John only retired from her standard when her cause was irretrievably lost.[6]

Sir John's fidelity to Queen Mary brought him into trouble with the

[1] Vol. ii. p. 21.
[2] Vol. ii. p. 22.
[3] Vol. ii. p. 22.
[4] Vol. ii. p. 23.
[5] Vol. ii. p. 1.
[6] There is a tradition that King James VI. was brought to a hill having a view of Langside, to animate the troops of the Regent Murray. This hill is on the Pollok estate, and a solitary hawthorn is said to mark the spot. Queen Mary viewed the battle from the Court-hill, near the old Castle of Cathcart; and on the loss of the battle, she was conducted into Galloway by another Maxwell, John Lord Herries. The late General Sir George Cathcart erected a stone on the spot where the Queen stood. There is engraved on the stone a crown, with the letters M.R., and the date 1568.

Regent Murray and the adherents of the young King. His estate of Pollok was escheated to the Crown, and given to Alexander Earl of Gleneairn, which led to a breach between the Earl and the Laird, who had hitherto been warm friends.[1] Writing to the Laird on 23d June 1568, the Earl tells him that he had done all for him that he could with the Regent, and that most willingly as for a "neir" friend; that he had gotten his name withdrawn from the summons of forfeiture, and that his summons to underly the law he had retained in his hands "unexecute;" and that in return he wished to know what security he would give the authorities for his future obedience, and what return he would make to the Earl himself, who had his escheat whenever it should fall.[2] The Laird, however, did not give the satisfaction required, and his escheat was formally granted to the Earl on the 10th August 1568.[3] On the 9th of September following, Sir John obtained a remission from his Majesty for appearing in arms against him at the battle of Langside.[4] But though Sir John was restored to favour with his Majesty, the breach between him and the Earl of Gleneairn was not yet repaired. The Earl sent his son, the Master of Gleneairn, to the mansion-house and lands of Pollok, to intromit with Sir John's moveable property in virtue of the gift of the escheat. Certain of the Lords of the Privy-Council used their influence on behalf of Sir John with Lord Glencairn, but he, notwithstanding, adhered to his purpose; and the result was, that on the 27th August 1569, letters under the signet were issued for enforcing the gift of the escheat to the Earl.

After much negotiation, and payment of a sum of money, Sir John in the following month of September arranged with the Earl about the gift, and obtained possession of the estate of Pollok. The Laird was made a Knight before 14th April 1567.[5]

Sir John, in his old age, continued to take a lively interest in the welfare of his friends and relatives, whether rich or poor. In January 1575, on the death of the son of his natural sister Janet, he secured the rights of the boy's sister, who survived him, but was being deprived of a half merk land in Govan by her uncle, Mr. Gibson.[6] And as almost the last act of his life, he became caution for John Lord Maxwell, who was confined in the Castle

[1] Vol. i. pp. 300, 302.
[2] Vol. ii. p. 132.
[3] Vol. i. p. 300.
[4] Vol. i. p. 303.
[5] Reversion by Sir John Maxwell, Knight, at Pollok.
[6] Vol. ii. p. 140.

of Blaekness, and only allowed liberty to move two miles around it, on proper seeurity being found that he should not make his eseape. His Lordship's letter, asking this favour, and "noeht douting bot he would do him the plesour," is dated 1st August 1577,[1] and Sir John died on the 20th February thereafter. Sir John Maxwell, by his will, whieh is dated the 19th of February 1577, nominated his wife, Elizabeth Maxwell, and his sons George and William, his only executors.[2]

Elizabeth Maxwell of Pollok survived her husband fifteen years, and died on the 17th of February 1592. By her will, whieh was made at Pollok on the 15th of that month, she nominated her son Patriek her only exeeutor. She left to Eupham Maxwell, her oy, 250 merks, with "ane kist of aik, with ane furneist fedder bed, and ane goun of ehamlot." To Jane Maxwell, another oy, she left a similar legaey, and to Jonet Maxwell, daughter of John Maxwell in Cowglen, she left £20, to be given to her at her marriage. She also left to Helen Maxwell, daughter of the late Robert Maxwell of Damsehot, the sum of £10, and to Jonet Maxwell, daughter of the late George Maxwell, £20, and to Gabriel Maxwell, her oy, she left 100 merks. George Maxwell of Auldhouse is one of the witnesses to her will.[3] Sir John and Elizabeth Maxwell had six sons,—

1. John, who snceeeded to Pollok.
2. George, who is called the second son of Sir John, in a contract dated 13th November 1577.[4] George is a witness to a procuratory by his father, for recovering an annualrent from the tenants of the lands of Corsbasket, dated 21st January 1573.[5] On 30th Jannary 1578, he and his brother William, and their mother, the Lady Nether Pollok, were cited to answer for withholding the family evidents and heirship goods from their brother Sir John.[6] On the 25th May 1580, George disponed to his brother William his right to the half merk land of Meikle Govan in the Tewcherhill qnarter.[7] And on the 16th September of the same year, he raised letters of inhibition against Janet Gibson, daughter of the late John Gibson, and her mother Janet Maxwell, to prevent them selling the said half merk land of Little Govan.[8] This Janet Maxwell was the paternal annt of George, being, as already shown, a natural sister of his father, Sir John. George Maxwell was designed son liberal of the late Sir John Maxwell of Pollok, in the instrument of infeftment given by him to his brother Mr. Walter on 19th October 1580, as aftermentioned.[9] George Maxwell, being about to undergo a surgical operation, made his will on 1st May 1581, by which he constituted his brother

[1] Vol. ii. p. 142.
[2] Commissariot of Edinburgh Testaments, vol. vi., 19th August 1578.
[3] Commissariot of Edinburgh Testaments, vol. xxvi., 25th March 1594.
[4] Original at Pollok.
[5] Original procuratory at Pollok.
[6] Original precept, *ibid.*
[7] Original disposition, *ibid.*
[8] Original letters of inhibition at Pollok.
[9] Original at Pollok.

William his only executor. The operation, if performed, appears to have been unsuccessful, as George died on the 28th of August following, unmarried.[1]

3. William of Cowglen, born about the year 1553, as appears from a deposition in 1613, in which he states that he is of the age of sixty years.[2] On the 8th June 1583, he received a charter from Hugh Wallace of Carnell of an annual rent of twenty merks from the lands of Whitelees, in Ayrshire, in which he is designated brother-german of John Maxwell of Pollok, knight.[3] On the 5th November 1584, William Maxwell, on behalf of his mother, Elizabeth Maxwell, Lady Pollok, entered into a contract with John Gardner, whereby the latter resigned his lease of a half merk of the lands of Headhouse, in the parish of Kilbride, because he was poor and unable to cultivate them.[4] William is named by his brother, Sir John Maxwell of Pollok, as one of the friends whose approbation Margaret and Agnes Maxwell, the daughters of Sir John, must obtain, before receiving 3000 merks each on their marriage, in terms of an obligation by their father, dated 12th May 1591.[5] On the 24th of July 1595, William and his wife, Jean Maxwell, were rentalled for life in the lands of Pottarton by his brother, Sir John Maxwell of Pollok.[6] One of the conditions of the lease was, that William was to ride with Sir John at the expense of the latter. Between the years 1596 and 1599, William Maxwell took an active part in the settlement of the disputes between his nephew, Sir John Maxwell of Pollok, and his stepmother, Margaret Edmonstone, concerning the possession of Haggs; and many letters passed between him and Hugh, first Lord Londonn, and William Maxwell of Cowglen, on that subject.[7] By his will, dated at Cowglen on 8th July 1623, William Maxwell in Cowglen, brother-german to umquhile Sir John Maxwell of Pollok, knight, being hail in body, and perfect in memory, made his testament as follows :—He "committed his soul and body to the protection of the blessed Trinity, the Father, Son, and Holy Ghost, three persons and one God." He appointed his wife, Jean Maxwell, his only executrix, and seems to have had no children, as none are alluded to or provided for in the will. He left twenty shillings to the "lipperfolk" at the Bridge-end of Glasgow, and twenty shillings to the men of the "almous" house adjacent to the College. William Maxwell died in March 1625, as appears from the confirmation of his will on 16th May following.[8]

4. Mr. Robert, the fourth son. His brother, George Maxwell, by his said will, dated 1st May 1581, left him a legacy of various articles of clothing and furnishings, amongst which were a stand of his best "claithis, ane skin coitt, and his best pair of dry leather schone."[9] Robert died before 11th June 1593, without lawful issue, as on that date his brother William as his heir granted the charter already mentioned.[10] On 11th June 1593, William Maxwell, brother-german and heir of the late Mr. Robert Maxwell, son liberal of the late Sir John Maxwell of Pollok, knight, in implement of a contract between him and the late Mr. Walter

[1] Commissariot of Edinburgh Testaments, vol. ii. 11th June 1582.

[2] Original depositions as to Henderston Moss, etc., in Blantyre Charter-chest.

[3] Vol. i. p. 314.

[4] Original contract at Pollok.

[5] Original obligation at Pollok.

[6] Original rental, *ibid.*

[7] Vol. ii. pp. 181-189.

[8] Commissariot Records of Glasgow, 16th May 1625.

[9] Commissariot of Edinburgh Testaments, vol. ii. 11th June 1582.

[10] Robert had a natural son, John, apprenticed to Robert Muir, cordiner in Glasgow, who, on 1st March 1560, abated the "hyndmost" three years of the seven years' service, because John is "ane guid boy, and veray able to leir the said craft." [Original at Pollok.]

Maxwell, also his brother-german, dated 25th February 1589, granted a charter to Gabriel Maxwell, eldest son of Walter, of the lands of Windhill, North and South Bracaurigs, Tofts, and Bonnington, in the parish of Eagleshame and shire of Renfrew : Dated 11th June 1593.[1]

5. Patrick, the fifth son. In several instruments at Pollok, dated in 1591 and 1592, he is styled brother-german of Sir John Maxwell of Pollok. His brother George left by his will to Patrick, amongst other articles, his "bufe doublat, best gray coit, twa sarks, twa pair of new nutt ledder schone, and his best furneis sadill."[2] Patrick is a witness to the charter already referred to, by Hugh Wallace of Carnell, in favour of William Maxwell of Cowglen, and is often mentioned in the family papers as son of Sir John and Elizabeth Maxwell, or as brother of their son John, who became Laird of Pollok. Patrick Maxwell, and his brother William, are mentioned by Sir John, their brother, as two of the friends whose approbation must be obtained by Margaret and Agnes Maxwell, daughters of Sir John, before receiving 3000 merks each on their marriage, in terms of the obligation, dated 12th May 1591.[3] Patrick assisted in the settlement of the disputes between his nephew, Sir John Maxwell of Pollok, and Margaret Edmonstone, his stepmother, regarding the Haggs.[4] On 10th March 1611, Patrick, as father's brother (uncle) of Sir John, witnessed a discharge by John Boyle younger of Kelburn for part of the tocher of his wife Agnes Maxwell, sister of Sir John.[5]

6. Mr. Walter, the sixth son. He is called son liberal of the late Sir John Maxwell in the instrument of sasine in his favour of the lands of Windhill and others, in the parish of Eaglesham above mentioned, dated 19th October 1580. His brother George left him "ane pair of gray breikis of the best sort of Scottis grays, a gray gown, ane pair of watt ledder new schone, four sarkis," and many other articles. He was also to receive from his brother's executors £10 annually, so long as he remained at school in Scotland or France, as his brother Robert had done.[6] Walter received a charter from his brother Sir John of an annual rent of £20 from the lands of Cowglen, dated 16th November 1586.[7] William, Patrick, and Maister Walter Maxwell, sons of Elizabeth Maxwell, Lady Pollok, witnessed a deed by her, dated 1st April 1587.[8] Walter married Elizabeth Jack, daughter of Thomas Jack, vicar of Eastwood, and had issue by her. He died before 11th June 1593. By his will, dated 26th February 1589, he appointed Elizabeth his wife, and her uncle, William Wylie, his executors, with Sir John Maxwell of Pollok as superior, and William Maxwell, his brother, and Thomas Jack, his father-in-law, as oversmen. He ordained his spouse Elizabeth to intromit with his books to the "weill of his bairnes."[9] The names of these bairnes have not been ascertained, with the exception of the eldest son Gabriel, who, on 11th June 1593, received from his uncle William the charter of certain lands in the parish of Eagleshame already mentioned. This Gabriel may be the same with Mr. Gabriel Maxwell, one of the Regents of the College of Glasgow, who, with other relatives of Sir John Maxwell of Pollok, became bound for the tocher of Agnes Maxwell, sister of Sir John, in the contract of

[1] Original charter at Pollok.
[2] Commissariot of Edinburgh Testaments, vol. ii. 11th June 1582.
[3] Original obligation at Pollok.
[4] Vol. ii. p. 188.
[5] Original discharge at Pollok.
[6] Commissariot of Edinburgh Testaments, vol. ii. 11th June 1582.
[7] Vol. i. p. 317.
[8] Original at Pollok.
[9] Commissariot of Edinburgh Testaments, vol. xxiii. 7th September 1591.

marriage between her and John Boyle, younger of Kelburn, dated in 1611. William Maxwell of Cowglen was tutor of law to Grisel Maxwell, daughter of the late Mr. Gabriel Maxwell, minister at Eagleshame, his brother, in 1624, as appears from several receipts at Eglinton.

XV.—Sir John Maxwell, twelfth of Pollok, 1577-1595, Margaret Cunninghame, his first wife, 1569-1590, and Margaret Edmonstone, his second wife, 1592-1600.

On the death of his father, on the 20th of February 1577, Sir John did not obtain possession of the estate of Pollok, as it was liferented by his mother, the heiress. Neither did Sir John sueeeed to his father in his personal estate, as his mother and her two younger sons, George and William, were appointed his only executors. These arrangements did not suit the young Laird, who appears to have been of an active and aspiring disposition, and anxious to obtain possession of the Pollok estate. Differenees arose between him and his mother. In the year after the death of her husband, she raised a eomplaint against her son before the Privy-Council, which sets forth that he, on the 29th of May 1578, with his accompliees, and convocation of a great number of the lieges in warlike manner, eame to the plaee of Nether Pollok, and by way of deid perforee entered within the same, broke the yetts thereof, imprisoned the eomplainer, Lady Pollok, therein, and dang and hurt her servants there to the effusion of their blood in great quantity. It was further eomplained by his mother, that, upon the 17th of August the same year, he with his accomplices eame to her maltman's house, and violently took from him a chalder of malt, and thereafter went to the Mains of Nether Pollok, and reft and away took a grey horse, worth a hundred merks, pertaining to his said mother; that not "satiat" with this, he continued his oppression, and upon the 26th of February following, he and his accomplices went to the Haggs and violently removed the tenants out of their houses and lands, put a garrison of men therein, and ereeted a great "strentht" with "fowseis," and furnished the same with "artilzerie," in order to uplift by force the "haill leving" of his mother.[1]

Three years afterwards the young Laird and his mother were not yet recon-

[1] Copy Signet Letters at Pollok.

ciled, as he raised a complaint against her, which sets forth that she suffers, in her default, the tower, fortalice, and manor-place of Nether Pollok, and houses about the same, to rot and decay for want of repairs; and that she had cut the growing trees of the woods, orchards, and zairds, and whole policy thereof, to the utter destruction and desertion of the whole place, which would thereby be void of all policy and other good industries made by the late Laird and his predecessors, through great labour, pains, and costs, to the great injury of the complainer. He accordingly, on 30th November 1581, obtained a precept from King James VI. to the Sheriff of Renfrew, ordering cognition to be taken of the state in which the said houses and place were at his mother's entry, and what damage they had sustained in walls, windows, timber-work, iron-work, and others since; and also what trees, dykes, hedges, and others were fallen and decayed through her default; and to compel her to repair the houses and plant new trees where the old have been cut by her.[1] The result of these proceedings does not appear from the family papers. The Lady survived this complaint for about ten years, during which, however, she does not appear to have become reconciled to her son, as he is not mentioned in her will.

Sir John married, in July 1569, Margaret, daughter of William Cunninghame of Caprington, a branch of the Glencairn family. This marriage was arranged at the time that Sir John Maxwell purchased the escheat of Pollok from Alexander Earl of Glencairn; and it is probable that the Earl had taken care to bring about this marriage of his cousin of Caprington with the young Laird of Pollok as a part of his arrangement with the old Laird, his father, for the restoration of his estate. Their marriage-contract is dated 6th July 1569, and Sir John's father and mother are parties to it. The tocher of the lady was £1000. Sir John's father, with consent of his wife, bound himself to infeft his son and daughter-in-law in conjunct fee and liferent, and the heirs-male of their marriage, whom failing, the heirs-male of John whomsoever, in the lands of Carnwaderick and Pollokhaugh.[2] This marriage was a happy one in itself, but a misunderstanding arose between the young Laird and his father-in-law, which led to an unpleasant correspondence, and a temporary coolness between their families.

Lady Caprington was not with her daughter, Lady Pollok, younger, on the occasion of her first confinement. This was keenly felt by her husband;

[1] Copy Signet Letters at Pollok.

[2] Marriage-contract at Pollok.

and when his wife was about to be confined a second time, he wrote to his mother-in-law, and urged her very earnestly to come to Pollok and be with her daughter on the occasion, both because it was natural and customary for the mother to be with the daughter in such circumstances; and because the lady was afraid of herself in respect of her "lang rest this sax zeir bygane at Michaelmesse." He begged her to come to Pollok to her daughter with all speed, and not to grieve her by a refusal, as on the last occasion, which, he adds, "muiffit hir to ane greit displesour the tyme of hir lyen, and, as sindric lernit men and wemen schew, the onlie occasioun of hir lang consaving, not knawand the caus of hir displesour."[1] Whether the Lady of Caprington was moved by this urgent appeal, does not appear. It seems probable, however, that she was not; for the Laird of Caprington, soon after the birth, refused to go to the baptism of his grandson, alleging that it was no more possible for him to go to Pollok than to carry the castle of Dunbarton. Sir John considered this a mere pretence; and wrote to his father-in-law complaining of his unkindness, and declaring that he could not express his displeasure at such conduct, for he considered himself companion to any baron in the country, either as to family honours, blood, or yearly revenue, and that, by "disesteeming" him and his wife, Caprington only dishonoured himself.[2]

These letters show considerable power of scolding; but are outdone in a letter to a neighbour whom Sir John rates as an unworthy magistrate, for his unfair dealing, and likens to an incompetent skipper. The devil, he says, made sutors (cobblers) shipmen who could neither steer nor row.[3]

The misunderstanding between the Laird of Pollok and his friends at Caprington was not of long duration. In 1585, we find him applying to his father-in-law for a loan of £500 to enable him to replace sixteen horses which he had lost, with all their accoutrements, while attending the king at Stirling.[4] And in January 1587, when his Castle of Haggs, which had already cost him upwards of 5000 merks, was nearly finished, the "reparraling within" only remaining to be done, he again applied to the same quarter for a further loan of 300 merks to enable him to finish it, because, he says, "I aschame that my howis sowld stand lyik ane twme kirne, being sa neir a point."[5]

[1] Vol. ii. p. 151.
[2] Vol. ii. p. 152.
[3] Vol. ii. p. 165.
[4] Vol. ii. p. 158.
[5] Vol. ii. p. 161. In the previous year Sir John encountered other difficulties in the building of Haggs

Margaret Cuninghame, Lady Pollok, died about the year 1590, and in fulfilment of a promise made by Sir John to her, "being lyand wpone hir deid bed a litill before her deceis," he granted, on 12th May 1591, an obligation to infeft Margaret, their elder daughter, in the lands of Carnwaderick, and Agnes, their younger daughter, in the lands of Pollokshaws under reversion, in security of 3000 merks to each on their marriage. They were infeft on the same day.[1]

In the month of September 1592, Sir John took to himself a second wife, Marjory, daughter of Sir William Edmonstone of Duntreath, "Lady Urchil," as she was styled, being the widow of Mungo Graham of Urchill.[2] Their contract of marriage bears date at Stirling, 17th September 1592.

It appears that Elizabeth Maxwell, Lady Pollok, had refused to give up to her son the title-deeds of the family estates; and on 20th December 1583 he obtained decreet against her and William, his brother, for withholding from him the "guids, gear, and evidents" of his late father; and amongst these goods and gear are mentioned ane target of gold, containing four crowns in weight, worth £10; ane "cheinzie" of gold, containing 200 crowns in weight, and worth £450; a pair of bracelets, value £90; a "Portingall" ducat, worth £30; and many other articles of value, both of gold and silver.[3]

From the time of this Laird's succession to Pollok, he was on terms of intimacy with his noble chief, John Lord Maxwell, afterwards Earl of Morton; and much of the interesting correspondence between them has been preserved, and is printed in the present collection.[4]

In April 1581, John Lord Maxwell, afterwards Earl of Morton, wrote to Sir John that he intended to pass on to the Mearns, not only on business of his own, but also on Sir John's affairs. On the 1st of May following, Lord Maxwell appointed Sir John bailie of the lordship of Mearns, with power to hold courts, punish trespassers, etc., and also constable of the Castle of Mearns. Sir John was, by his commission, taken bound not to oppress the tenants "inordinarlie," and

Castle. He complains, in a letter to the Laird of Minto, that the mason, after contracting for a thousand pieces of hewing work from the "quarrell," had broken his promise. Sir John asks the Laird of Minto to discharge the delinquent from his service.—[Draft letter at Pollok.]

[1] Original obligation and sasines at Pollok.

[2] Preparatory to this marriage, Sir John, on the 25th August preceding, provided himself with "5 elles and ¼ of fine London claithe of coulleur purpour wiollett to be cote, clok, and breikis, at £8 the elles; and also with 36 ells of fine traiss of gold, sax elles of Engles fustein, at 40s the ell," and other articles of finery, both numerous and expensive. These furnishings would make the old Laird look gay as a bridegroom.—[Original account at Pollok.]

[3] Original decreet at Pollok.

[4] Vol. ii. pp. 148, 151, 154-156, etc.

also to allow his lordship and his wife to inhabit the Castle when they required.[1] By an order under his hand on 4th April 1583, the Earl desired Sir John to deliver the Castle of Mearns to a King's messenger, in terms of a charge by the King.[2] Sir John was frequently in attendance on the Earl at court, but the closeness of the friendship which subsisted between him and the head of his house is best seen from their correspondence on more private affairs. When, in August 1590, his Lordship had to grant an obligation to his Majesty making him answerable for the conduct of his servants and dependants, to relieve his Majesty and his warders for all "attemptattis" by them, Sir John became his cautioner,[3] an act of friendship which afterwards cost him no small trouble. For, notwithstanding his Lordship's obligation, a number of his dependants made an attack on the men of John Swintoun of that Ilk at Kimokfoot in Douglas, and not only reft their guids, says Swintoun, "bott laimit ane pert of them, and muitillet ane wther pairt of thaime."[4] The Laird of Swintoun called Sir John to account, as cautioner for his Lordship, and demanded redress according to the offence committed, otherwise he would pursue the matter against him before the King and Council, or else be banished Scotland.[5] This did not disturb the relations between Sir John and his chief, as appears from their correspondence on the intended marriage of the Earl's eldest daughter, Lady Elizabeth Maxwell, in which the former took a great interest. On the 6th June 1593, a few months before his death, the Earl wrote to Sir John, thanking him for the kindly care he was taking of the welfare of his Lordship's "bairnes," as he had learned from a letter to his "las Elizabeth."[6] Sir John soon after this lost his noble chief, who was killed in December 1593 at Dryfe Sands in Annandale, in an encounter with the family of Johnstone, with whom the Maxwells had long been at deadly feud. On the 11th of that month Sir John Maxwell, as one of his special friends, was earnestly requested by William Maxwell, Lord Herries, to attend the funeral of their chief on Sunday the 30th of December.[7]

Sir John's interest in the bereaved family of his chief did not diminish on his death, but rather increased, and he henceforth became their confidential adviser. In March following, at the request of Elizabeth Douglas, Dowager Countess of Morton, he took steps to have the castle of Mearns put in readiness for her residence during the ensuing summer; and, at the same time,

[1] Original at Pollok.
[2] Original order at Pollok.
[3] Vol. i. p. 320.
[4] Vol. ii. p. 146.
[5] Vol. ii. p 147.
[6] Vol. ii. p. 168.
[7] Vol. ii. p. 170.

advised with her as to serious pecuniary difficulties in which she was involved, and which affected himself as cautioner of her late husband.[1]

After the death of the Earl of Morton, Sir John attached himself to Ludovick, second Duke of Lennox, and accompanied him to Court on various occasions, on his Majesty's service.[2]

The communications from King James VI. to this Laird of Pollok, on various private matters, afford a curious picture of the relation which then existed between the sovereign and his subjects. In 1590, the King and Queen were residing at the Palace of Dunfermline, where they had an unusual number of visitors. The Queen was in want of carriages for visiting the country in a suitable manner with her "ladies and gentlewomen." The King wrote to Sir John on 13th August of that year, stating, that as he esteemed him one of his friends, best affectionate both to himself and the Queen, he therefore wished him to present her Majesty with "ane gude and propre halknay," and to send it to Dunfermline properly attended, where it would be received by the Master of the Stables.[3] On the 1st June 1593, Sir John was summoned to attend a meeting of Parliament.[4] On the 18th December of the same year, the King wrote to him that it had pleased God to bless him with the prospect of a successor, the Queen being near the time of her delivery, and called on him, all excuses set aside, to come forthwith to Holyrood.[5] On the birth of Prince Henry in July 1594, Sir John was invited to the baptism both by the King and by Ludovick Duke of Lennox. The Duke wrote to Sir John on 18th July, stating that the baptism was fixed for the 11th of August, and asking him to attend, well accompanied and apparelled, in respect of the ambassadors from France, England, Denmark, and Flanders, who were all to be there.[6] The arrival of the ambassadors being uncertain, the baptism was postponed, and the King wrote to Sir John on the 8th August, desiring him to be at Stirling on the 15th, and to hasten forward such provisions as he purposed sending for the occasion. So liberally did Sir John respond to this call, such a large supply of venison, wild-fowl, kine, sheep, and other provisions did he send in, that even his enemies were constrained to praise him for his liberality.[7]

In the year 1590, Sir John purchased the lands of Over Darnley, part of the territorial lordship of Darnley, from which a branch of the family of Stewart

[1] Vol. ii. pp. 173-176.
[2] Vol. ii. pp. 25, 26.
[3] Vol. ii. p. 4.
[4] Vol. ii. p. 4.
[5] Vol. ii. p. 5.
[6] Vol. ii. p. 26.
[7] Vol. ii. pp. 5, 27.

took their title of honour as Lords of Parliament. Over Darnley was afterwards incorporated with the barony of Maxwell.[1]

John Lord Maxwell, Earl of Morton, was killed by the Johnstones in December 1593 ; and, like his chief, Sir John Maxwell met his death at their hands in an encounter at Lockerbie on 1st November 1595,[2] he being then in the company of William Maxwell, Lord Herries, tutor to John Lord Maxwell.

Dame Margaret Edmonstone, Sir John's second wife, by whom he had no children, survived him. Differences arose between her and her stepson Sir John, the son and heir of her late husband ; and in December 1596, the latter took legal measures to remove her ladyship from the castle and place of Haggs.[3] By his first wife Sir John had one son and two daughters.

1. John, who succeeded him.
2. Margaret, who, according to the obligation by her father already mentioned, was infeft in the lands of Carnwaderick in security of her marriage portion of 3000 merks, in terms of his obligation, dated 12th May 1591.[4] By procuratory, dated at Haggs, 21st August 1593, she empowered David Cuninghame of Dalreyth to cut the wood of Pollok for her own use.[5] It appears from a renunciation by Margaret, dated 10th July 1613, that she had forfeited the provision by her father in a bond in her favour, in consequence of not having preserved her chastity.[6] No later notice has been found of Margaret, and it is presumed that she died soon afterwards unmarried, as her sister Agnes represented the female line of the family on the death of her brother Sir John.
3. Agnes Maxwell, the younger and only surviving daughter, became Lady Kelburne by marrying John Boyle, younger of Kelburne. Their contract of marriage is dated 9th March 1611. John Boyle, elder of Kelburne, thereby agreed that the heirs-male of the marriage should succeed on his death to the lands of Kelburne and others. For which causes Sir John Maxwell of Pollok, as principal, and William Maxwell in Cowglen, Mr. Gabriel Maxwell, one of the Regents of the College of Glasgow, and George Maxwell of Auldhouse, as cautioners for him, bind themselves to pay the sum of 7000 merks Scots, as tocher with Agnes, which is declared to be in full of all the provisions made to her by her father. It is specially provided that if Sir John Maxwell has no children, and Agnes, as his sister-german, succeed to him in any of his lands, she, with consent of her future husband, agrees to renounce all such lands in favour of the heirs-male succeeding to Sir John. This provision explains how Agnes and her only daughter, nearly forty years afterwards, agreed to the disposition of the estate of Pollok by Sir John Maxwell in favour of his heir-male, as will be fully explained hereafter.

[1] Original charters of Over Darnley at Pollok.

[2] Two memorandums, dated 3d December 1599 and 1st March 1692, and disposition of non-entry of Pollok, 3d December 1599, all at Pollok. Also vol. ii. p. 183, where allusion is made to Sir John being slain.

[3] Vol. ii. pp. 184-188 : Original signet letters at Pollok.

[4] Original obligation and copy of sasines at Pollok.

[5] Original procuratory, *ibid.*

[6] Original renunciation at Pollok.

Of this marriage there was an only child, Grizel Boyle, who married her kinsman, David Boyle of Halkshill. Their grandson was David Boyle of Kelburne, who, in 1699 and 1703, was successively created Lord Boyle of Kelburne, and Earl of Glasgow, Viscount Kelburne, etc. The present Earl of Glasgow is his lineal heir-male, and he is also heir-general of the marriage of John Boyle and Agnes Maxwell.[1]

XVI.—Sir John Maxwell, thirteenth of Pollok, and the first Baronet, 1595-1647, Isobell Campbell, his first wife, 1593-1612, and Grizell Blair, his second wife, 1615-1642.

Sir John was born in the end of 1582, or in the beginning of 1583,[2] and succeeded his father in his twelfth or thirteenth year. During his minority, William Cunninghame of Caprington, Sir James Maxwell of Calderwood, George Campbell of Cessnock, and Patrick Maxwell of Newark, acted as his curators.[3]

To the estate of Pollok proper, the young laird made up titles as heir to his grandfather, Sir John Maxwell, who, it has been seen, was infeft in them on his marriage with the heiress Elizabeth Maxwell in 1536. She survived till 1592, and this laird succeeded to the estates in his minority. John eighth Lord Maxwell, the superior, granted, on 14th and 21st April 1602, a precept for infefting this laird as heir-male and of taillie of his grandfather in the lands of Pollok and Carnwaderick: Sasine was given to him at the principal Messuage of Pollok on 31st May 1604.[4]

By charter passed under the great seal on 23d December 1607, King James VI., as tutor for his son Henry, Prince and Steward of Scotland, confirmed to this Sir John Maxwell, as grandson and heir of John Maxwell of Cowglen, the charter of Pollok which was made by Robert fifth Lord Maxwell, the superior, on 15th August 1536, as before mentioned. The King also, by the same charter, confirmed to Sir John another charter made by John eighth Lord Maxwell, on 7th November 1605, of an annualrent of 720 merks out of the lands and barony of Mearns.[5]

[1] Original contract at Pollok. Sir John Maxwell had a natural daughter Marjory, who married John Maxwell of Bosfield, in the parish of Kilbride, and county of Lanark. Their contract of marriage is dated 7th November 1617, and she was infeft in part of Bosfield on the 27th of the same month.—[Original contract and sasine at Pollok.]

[2] Vol. ii. pp. 151-153.

[3] Original contract at Pollok, dated 23d January 1597.

[4] Original instrument of sasine at Pollok.

[5] Original charter under the great seal at Pollok.

By a subsequent charter, dated at Pollok on 17th July 1618, Robert Maxwell of Carlaveroek and Mearns, afterwards Earl of Nithsdale, granted a charter of Novodamus in favour of Sir John Maxwell. On the same occasion, when the said Robert Maxwell was on a visit at Pollok, it was arranged that Sir John should resign Pollok into the hands of his chief, who, as Lord of Mearns, was superior of Pollok, for a new charter changing the holding from ward to blench. Resignation was accordingly made on the 17th July 1618, at five hours afternoon, in the "inner chalmer" of the place and fortalice of Nether Pollok, on the north side of the tower thereof.[1]

A charter was made on the same day in favour of Sir John Maxwell of Pollok, knight, and his heirs-male, bearing the name and arms of Maxwell, to be held blench of the granter and his heirs, as Lords of Mearns.[2] Sir John also got sasine on the same day at the fortalice or manor of Nether Pollok.[3]

The above charter was confirmed to Sir John Maxwell by King Charles I., as tutor for his son Charles, Prince and Steward, by charter passed under the great seal on 9th August 1630.[4] The same charter also included a confirmation of a charter by John Spottiswoode, Archbishop of Glasgow, in favour of Sir John Maxwell, of the lands of Haggs, Govan Shiels and Titwood, and lands in Meikle Govan, and salmon fishings in the water of Clyde, dated 24th April 1610.

He was married very early in life, before he was twelve years of age, to Isobell Campbell, daughter of Hew Lord Loudoun. The contract for their marriage was made at the Haggs of Pollok the 21st August 1593.[5] Isobell's tocher was 3000 merks, and Sir John Maxwell, the father, was bound to infeft her in liferent in parts of the lands of Pollok.[6] Sir John ratified the contract by a separate deed on 15th November 1593.[7] By another contract, dated 13th December 1594, entered into between Hew Lord Loudoun for his daughter, Isobell Campbell, spouse of Sir John Maxwell, his Lordship became bound to cause his daughter renounce her contract of marriage in favour of Sir John and

[1] Original instrument of resignation at Pollok.

[2] Original charter at Pollok. The seal appended to this charter has the plain Maxwell saltire. The circumscription is, S. Ro. Maxval de Carlaverok.

[3] Original instrument at Pollok.

[4] Original charter at Pollok.

[5] Copy of contract, dated 13th December 1604, narrating contract of marriage at Pollok.

[6] This appears from a contract made 23d January 1597, between Hew Lord Loudoun on the one part, and John Maxwell of Pollok and his curators, and Margaret and Agnes Maxwell, his sisters, on the other part. This contract relates to the payment to Margaret and Agnes Maxwell of 12,000 merks, and the infeftment of Isobel Campbell, according to the terms of her contract of marriage.—[Original at Pollok.]

[7] Original at Pollok.

his heirs-male whomsoever; for which cause Sir John bound himself to infeft her in liferent in the lands of Haggs and others.[1] On the 22d May 1604, this Laird was served heir to his father in the lands of Pottarton, Hillfield, Deaconsbank, and the Cowglens; and the retour bears, that Sir John Maxwell died in November 1595.[2]

Sir John Maxwell being now of age, entered into a new contract with Lord Loudoun, his father-in-law, concerning the destination of the Pollok estates, on the 13th of December 1604; and by this important contract, the terms of which will be afterwards fully given, the Pollok estates were continued in the male line of the family.[3]

Soon after the fatal feud between the Maxwells and the Johnstones, the Privy Council passed an Act on 13th August 1608, for preserving the peace in Nithsdale, Annandale, and Galloway, whereby Sir John Maxwell of Pollok, and many other families of Maxwell, were ordered to be confined and warded north of the river Tay, and there to remain until they were freed and relieved by George Earl of Dunbar, Lieutenant in the middle shires.[4] On the 10th of September following, Sir John was charged to obey this Act; and on the 13th "he boitted at the schoir" of the burgh of Perth, passed over, and landed on the north side of the said water of Tay, and protested that he had thereby obeyed the said charge.[5]

Previous to the year 1610, Sir John was again restored to the favour of the King.

Isobell Campbell, Lady Maxwell, died in the month of January 1612, leaving one daughter, an only child, Isobell Maxwell.[6]

Before the year 1615, Sir John Maxwell married, secondly, Grizel Blair,

[1] Copy contract at Pollok.

[2] Office copy retour at Pollok.

[3] Copy contract at Pollok.

[4] Regist. Secreti Concilii, Acta.

[5] Original instrument at Pollok. Sir John Maxwell's eight branches were made out in the year 1602, as follows:—

"The aucht branchis of Schir Johnne Maxwell of Netherpollok, Knycht, that is in this zeir of God 1602.

"To wit his twa grandschiris and tua grandames on his father syd, and tua grandschiris and tua grandames on his mother syd.

"In the first one his fatheris syd, Capitane George Maxwell of Kowglen, and Jonet Maxwell, dochter to the laird of Tynnall, his spouse.

"Johnne Maxwell of Pollok, and Elizabeth Houstonne, dochter to the laird of Houstonn, his spous.

"Item, one his motheris syd, Johnne Cunnyghame of Caprintoune, Annabell Campbell, dochter to the Sheriff of Air, his spous.

"Sir William Hamiltoune of Sanechar, Knycht, and dame Katherein Kennydy, dochter to the Erle of Cassillis, his spous.—[Original at Pollok.]

[6] Original Record of the Commissary Court of Hamilton and Campsie from 1613-14 in H.M. General Register House. In August 1859, the Editor discovered this volume in the shop of Mr. Robert Forrester, bookseller, Sauchiehall Street, Glasgow. He called the attention of the Deputy-Keeper of the Records to it, by whom it was acquired for the public. It supplied the hiatus which previously existed in that record.

daughter of John Blair of that Ilk. On 3d June 1615,[1] King James VI. as tutor for his son Charles, Prince and Steward of Scotland, granted a charter to them, and the heirs-male of the marriage, whom failing, to the heirs-male of Sir John, of the five-merk lands of Hagtonhill, on the resignation of Patriek Maxwell of Newark, and his eldest son George Maxwell, fiar of Tealing. The grantees were infeft on the 3d August following.[2]

In April 1616, a proposal was made to Sir John by certain gentlemen of the name of Maxwell, that he should enter into an arrangement with the Master of Maxwell to advanee money to save the Maxwell estates, and that he should, on the failure of the line of the Lord Maxwell, beeome the chief of the Maxwell family. Sir John, indeed, was ealled by some of the elan as the only "pyllote and houpe" of the estate. He was reminded by them that although he might have to part with his own estate of Pollok, it was a great honour to be the heir-apparent and lord of the estate of Carlaveroek. The proffered honour was no doubt great, but the conditions on which it was offered were burdensome, and Sir John deelined it.[3] A further honour was eonferred on him that same year. In eonsequenee of the increasing insolenee or insubordination of a multitude of discontented persons whom the ordinary Magistrates were unable to keep in eheek, it was resolved by the King and Counеil at Edinburgh, in June 1609, that in every eounty a number of the most prudent noblemen and gentlemen of the best families should be appointed justices and commissioners, who should preserve the peaee in each eounty: In aceordanee with this resolution, Alexander Earl of Dunfermline, James Archbishop of Glasgow, and Sir John Maxwell of Pollok, and others, were appointed commissioners for the shire of Renfrew, by eommission under the great seal, dated 18th September 1616; Sir John Maxwell was also appointed keeper of the records of that eommission.[4]

[1] Original charter at Pollok.

[2] Original precept and sasine at Pollok. On 31st January 1629, Sir John Maxwell granted to Grizel Blair, his spouse, a lease of his "cwnyngar," with the "cwnynghous" and two acres of land, and two cow's grass belonging to the same, as a part of his lands of Sheills. —[Original lease at Pollok.]

[3] Vol. ii. p. 193. Also letter from Herbert Maxwell, Cowhill, 30th April 1616: [Original at Pollok].

[4] Original commission at Pollok.—Sir John in going to Edinburgh, in the beginning of December 1618, was storm-stayed two nights by the way, and some curious items of his expenditure on the occasion have been preserved. During that time his own expenses were £1, 6s. 8d., and his horse cost him 13s. 4d. for oats, and 4s. for straw. And again, on proceeding to Edinburgh, in company with Lady Abercorne, on the 29th of the same month, they paid at "The Fakirk" for three peeks of oats to their horses £1, 4s., and for straw viii s. In the same account there is stated xxx s.

Sir John was on terms of great intimacy with his noble chief, Robert Lord Maxwell, both before and after the latter was created Earl of Nithsdale, and managed much of his business. In return, he was treated by his Lordship with affectionate regard. Shortly before his Lordship's rehabilitation, he granted to Sir John the bailiery of the Mearns, which, the gift bears, his predecessors had enjoyed beyond all memory. This gift also narrates the great good will, ardent love, and affection of the two families.[1] Their correspondence also abounds with proofs of this warm friendship. On the 10th December 1619, his Lordship frankly acknowledged that he knew it would have been impossible to have managed his troublesome business without Sir John's assistance.[2] On 11th May 1627, when Sir John had failed to pay a promised visit, he wrote to say that the first of May was long past, that he daily expected him, and that his wife looked for him bringing his "half marrow" with him.[3] And when Sir John was recovering from a severe illness, the Earl wrote that he was glad to hear that he was mending, and hoped that all danger was past, and that they might yet have many merry and good days together.[4]

Sir John Maxwell was made a knight baronet by King Charles I., in June 1633. The patent was to him and the heirs-male of his body. John Boyle of Kelburn, brother-in-law of Sir John, appears to have taken considerable trouble about the granting of this patent. Boyle paid upwards of £1000 Scots towards the expense, out of his own purse, besides what Sir John had allowed him.[5]

In the close of the same year, or in the beginning of 1634, Sir John was appointed governor of Dunbarton Castle, which seems at that time to have been equally insufficient as a residence and as a fortress. Writing to the Earl of Traquair on the subject, 9th April 1634, Sir John stated that he had expected his Majesty's master of works to have visited the Castle, and given

for three "gouf clubbis, 24s. for six gouf balls, and 12s. for oringars." In another account, in 1620, there is a payment of 16s. for "ane buik callit Jacobis Warsilling."—[Original Accounts at Pollok.]

[1] Original gift at Pollok.

[2] Vol. ii. p. 197.

[3] Original letter at Pollok.

[4] Vol. ii. p. 274.

[5] Vol. ii. p. 223; vol. i. p. 346; and original memorandum at Pollok as to the restoration of the Baronetcy to Lord Pollok, *circa* 1682. This memorandum states that the family and house of Pollok-Maxwell had enjoyed for several ages the dignity of a barony, with the honour of knighthood, and therefore been reckoned one of the first and most ancient of that degree in the west of Scotland. Sir John Maxwell probably did not intend his baronetcy as any addition, but purely to maintain his undoubted rank and place against those who, being otherwise less considerable, might possibly offer to compete upon the privilege of that newly erected order. So it is known to several persons yet in life, that the Earl of Stirling, who, by gift, had the benefit of those patents, did in effect compliment Sir John with one, merely to bring them into greater request, and render them the more recommendable to such as might be inclined to purchase.

orders for its being repaired before the winter, as the present state of the house was such, that if it were not "helpit" in the summer season, no honest man could dwell therein. The north-east "coun" of the hall had been taken down the previous year to be repaired for his entry, and was still in ruins; the hall was not waterfast; the brewhouse and bakehouse were down; the barns and stables were down and altogether ruinous. Besides, the walls of the "neddir baillis," on the south side of the Castle, were so decayed and fallen down, that it could not "hald out beistis, lat be men." As for the "muskattis and hagbuttis left in the hous, nane of thame were abill to mak service, as they were pairtlie wantand the wark, and pairtlie brokin;" and as for powder and shot, Sir John had had none except what he bought for himself.[1] If Sir John's friend, Sir William Hamilton, son of the Earl of Abercorn, and an officer in the army, had known the true state of matters, he would have hesitated to say that he thought he would, by the next winter, be "a sojowr expert anweh to keipe the Castell of Dwmbarten."[2]

In 1634, King Charles I. appointed Sir John Maxwell one of the commissioners for constituting a High Court of Commission for Scotland.[3] The Court was never properly established, but the appointment was not on that account less indicative of his Majesty's opinion of Sir John's integrity and ability.

Sir John's general correspondence was extensive. He ranked among his friends and correspondents many of the leading noblemen and gentlemen of the day, and the letters which passed between them constitute by no means the least important portion of the following collection. These cannot be noticed here in detail, but reference can readily be made to the letters, or to the abstract of them in the second volume. The letters from his kinsman, Mr. William Maxwell, first of Springkell, give many particulars regarding the coronation of King Charles I. in 1633.[4]

Grizell Blair, Sir John's second wife, died in April 1642, without surviving issue. On her death, there was paid "for ane sute of murneing to Mr. George Maxwell iii^{xx} v lib. ii s.; for Helen Blair hir mvrneing, xlviii lib. xiiii s. viii d.; to John Maxwell's man for going with letters to Angows and wther places for the buriall xlviii s.; and for ten quare of paper l s."[5] On 3d August

[1] Vol. ii. p. 252.
[2] Vol. ii. p. 250.
[3] Original account at Pollok. In the inventory of her "ornaments," which were valuable, there is entered, "Ane lytill inambled wowpe with this poosie: Trew as the Turtle."—[Original at Pollok.]
[3] Baillie's Letters, vol. i. p. 425.
[4] Vol. ii. pp. 226-240.

1644, there was paid to James Blair, wright in Gorbals, for the funeral chest of the late Lady Pollok, £40, 12s.[1] Annas Blair, Lady Duchal, was the heir and executrix of her sister Grizel, Lady Maxwell.

King Charles I. as tutor to his eldest son Charles, Prince and Steward of Scotland, granted to Sir John Maxwell a charter of confirmation of a charter by James Duke of Lennox, superior of the lands of Cowglen Meikle and Little, Hilfield, Potterton, Deaconsbank, and Over Darnley, in the regality of Darnley and shire of Renfrew. The date of the charter confirmed is 23d December 1635, and that of the confirmation is 19th February 1642.[2]

Sir John does not appear to have been actively engaged in the civil and ecclesiastical struggles which took place during the latter portion of his life. But on the 20th December 1644, at the desire of the Committee of Estates, he advanced £4000 Scots for supplying the armies sent to England and Ireland. The loan was to be repaid to him out of the money due by England, or out of money raised by taxation or otherwise, and the bond for it was signed by the Earls of Lauderdale, Dunfermline, Lothian, and others.[3]

As Sir John had no sons, he settled his estates of Pollok, Mearns, and others, on his cousin George Maxwell, son of John Maxwell of Auldhouse. The dispositions of Pollok and Mearns are both dated 17th November 1645, and the destination is to George and his heirs-male and assignees whomsoever.[4] And by his settlement, which was made on the 28th October 1647, Sir John nominated the said George Maxwell, therein styled "fear of Nether Pollok," his only executor.[5]

After having possessed Pollok for upwards of half a century, Sir John Maxwell died on the 1st of November 1647,[6] leaving by his first wife Isobel Campbell, an only child, Isobel Maxwell, who was both deaf and dumb, and who, under her father's settlement, inherited a legacy of £10,000.[7] She died unmarried.

The descent of Mr. George Maxwell, younger of Auldhouse, who was provided to Pollok by Sir John, as the heir-apparent of the heir-male of the Pollok family, will now be shown.

[1] Receipt at Pollok. [2] Original charter at Pollok.
[3] Original bond at Pollok.
[4] Original disposition of Pollok, and copy disposition of Mearns, both at Pollok.
[5] Vol. i. p. 337.
[6] Extract confirmation of his will at Pollok.
[7] Vol. i. p. 337.

THE MAXWELLS OF AULDHOUSE

1470-1666.

The lands of Auldhouse are situated about two miles to the south of Pollok House, and are bounded on the north, east, and west by the estate of Pollok, and on the south by the barony of Eastwood.

These lands appear on record at a very early period as the property of the Monastery of Paisley. In the year 1265 they were resigned by Roger, son of Reginald of Auldhouse, in favour of the monks of the Abbey of Paisley, because he feared Divine vengeance if he should retain them. In another resignation, about the same date, he admits that his claim to the lands was unjust, and declares that any instrument which may be afterwards found asserting that claim, shall be held to be of none effect.[1] In both these charters the lands of Auldhouse are described as the "dos" of the church of Saint Convall of Pollok.

Again, in the year 1284, John, son of Roger of Auldhouse, by a contract with the Abbot and Convent of Paisley, obtained, in liferent, that portion of the lands of Auldhouse which Patrick son of Neuyn had possessed; and to this contract Sir Herbert Maxwell, brother of Sir John Maxwell first of Pollok, is a witness.[2]

The present mansion-house of Auldhouse has been built at four periods.

Over the fire-place of the kitchen, which was built in 1631, there is the following inscription :[3]—

THE BODIE FOR THE SAVL WAS FRAMD THIS HOVS THE BODIE FOR:
IN HEAVNE FOR BOTH MY PLACE IS NAMD IN BLISS MY GOD TA DOR · 1631

The latest addition was built by the father of the present proprietor, and this, with former additions, has made the house very commodious. A view of the present mansion-house of Auldhouse is given in the present work.

[1] Registrum Monasterii de Passelet, pp. 63, 64.

[2] Registrum Monasterii de Passelet, p. 65.

[3] The author of these lines was Mr. George Maxwell of Auldhouse, minister of Mearns, or his son, Mr. John Maxwell, younger of Auldhouse, minister of the High Church, Glasgow. The latter, by bond dated 20th May 1631, narrates that he and his father have founded, and are of intention to build houses, one or more, and to repair the houses already built upon their equal expenses: and Mr. John Maxwell becomes bound to "deburse pennie about with my father." — [Original Bond at Pollok.]

AULDHOUSE

RENFREWSHIRE.

THE BODIE FOR THE SAVL WAS FRAM D THIS HOVS THE BODIE FOR:
IN HEAVNE FOR BOTH MY PLACE IS NAM D IN BLISS MY GOD TA DOR·1631

LINES OVER THE KITCHEN MANTEL PIECE OF AULDHOUSE.

The lands of Auldhouse must have come into the possession of the Pollok-Maxwell family about the middle of the 15th century. Thomas Maxwell, the second of the family who possessed them, is designated of Auldhouse in 1517, and it is very probable that his father, Thomas Maxwell, who first appears on record in 1476, received these lands as a suitable portion for a younger son from his father Thomas Maxwell, who was Laird of Pollok from 1429 to 1450.

XI.—Thomas Maxwell [of Auldhouse], 1470-1500,

Appears to have been second son of Thomas Maxwell sixth Laird of Pollok (1429-1450). He witnesses a transumpt, dated 8th July 1476, of bond by John Lord Darnley to John Maxwell of Pollok, the son and successor of Thomas Maxwell of Pollok; and there is no doubt that Thomas Maxwell, the witness, was a son of Thomas Maxwell of Pollok, and brother of John the grantee.[1]

Thomas Maxwell, elder, and Thomas Maxwell, younger, are mentioned in a deliverance pronounced at Renfrew on 16th March 1491, by their cousin John of Maxwell, apparent heir to the Laird of Pollok, Robert Lord Lyle, and others, regarding the differences between John Earl of Lennox, and John Lord Sempill, and the compromise made by them. It was agreed that the two principal parties concerned should respectively please and satisfy each his own friends; whilst for the trouble done to "zung Thomas of Maxuell, and his bredyr and his frendis, by the Laird of Coldoun, Wat Spreule, John of Stirling, and thar folkis, and in lyk wys the injurie done to the Laird of Coldoun and his folkis be the said Thomas of Maxuell and his bredyr and his frendis, thai sall cum befor Master Mathow [Stewart, Master of Lennox], and Lord Simpill at the kyrk of Nelstoun, betwix and Pasch, when they think it spedfull, and there to ger reforme, as they find cause, and the partis to be put in friendship; and as touching the cow and the ox claimed be Thome of Maxuell, and the twa ky that the Laird of Coldoun claims, that was slayn in his fald be Thome of Maxuell, we counsall ordanys at that be reformyt at the foresaid kyrk, the said day effter the wake of it be the awys of the said Master Mathow and Lord Sympill. . . . Alswa we ordane that Wat Spreull and John Stirling come to the kyrk forsaid in thair lous gownys and barhed, befor Master Mathow and the Lord Simpill, and ask Thome of Maxuellis forgeffas, and to be put in

[1] Vol. i. p. 185.

hartly frensehip." The following note is added at the end of this deliverance :—"And auld Thome of Maxwell was ay onekynd zhet hedertyllys."[1]

This deliverance is subscribed by Robert Lord Lyle, John of Maxwell, and the other arbiters.

Thomas Maxwell had two sons :—

1. Thomas, who succeeded him.
2. —— Maxwell, who is mentioned in the deliverance above quoted as the brother of Thomas Maxwell, younger.

XII.—Thomas Maxwell, Second of Auldhouse, 1491-1526,

Suceeeded his father, Thomas Maxwell, "auld Thome," about the year 1500.

It appears from an old extract from the Records of the Court of Justieiary, that, on 13th May 1517, Robert Lord Maxwell beeame surety for the appearance of Thomas Maxwell of Auldhouse, and Thomas Maxwell, his son, to underly the law for being art and part with John Maxwell of Stanley of the murder of Alan Thomson.[2] The next notice of Thomas Maxwell is on 28th October 1520, when his son, Oswald Maxwell, was rentalled in the chantor land at the Kirkstile of Eastwood, part of the lands of Auldhouse, in which rental he himself, under the designation of "Thom of Maxwell, his fader," and his wife (who is not named), are stated to be liferenters of these lands.[3] Again, on the 18th May 1522, the Kirkland of Eastwood, also part of Auldhouse, was set to Thomas Maxwell; and his son, Oswald Maxwell, was rentalled in them at the same time.[4] The last notice of Thomas Maxwell is on the 9th January 1523, when David Pollok of Over Pollok granted to him a charter of the lands of Corseflat Mains, in which, and in the instrument of sasine following thereon, of the same date, Oswald Maxwell is designated "Oswald Maxwell, son of Thomas Maxwell in Auldhouse."[5] Thomas Maxwell died before the 3d of November 1526; as on that date John Maxwell was rentalled in the five-merk land of Auldhouse.[6]

Thomas Maxwell of Auldhouse had three sons :—

[1] Original in Lennox Charter-chest at Buchanan.

[2] Copy extract in the handwriting of Sir George Maxwell of Pollok, c. 1650, at Pollok.

[3] Rentals of the Abbey of Paisley, in the Advocates' Library, Edinburgh.

[4] Rentals of the Abbey of Paisley, *supra*.

[5] Inventory of Writs of Pollok of that Ilk, as quoted in a letter by the late Mr. John Riddell, Advocate, Edinburgh, at Pollok.

[6] Rentals of the Abbey of Paisley, *supra*.

1. John, third of Auldhouse.
2. Thomas, already mentioned as son of Thomas Maxwell of Auldhouse, in the records of the Justiciary Court before referred to.
3. Oswald, who obtained the lands of Kirkstile, Kirkland, and Corseflat-mains, all parts of Auldhouse, as already mentioned.

XIII.—John Maxwell, Third of Auldhouse, 1526-1546,

Was rentalled in the five-merk land of Auldhouse on the 3d November 1526, on the death of his father, Thomas Maxwell. The rentals of the Abbey of Paisley referred to, bear that, on the above date, the five-merk land of Auldhouse was let by the Abbot of Paisley, who was then the feudal proprietor, to John Maxwell, for thirty bolls of oats, fifteen bolls of barley, and twelve capons; and that, after his death, they were, on the 20th of June 1546, let to John Maxwell, his son, for the same rent.[1] This shows that John Maxwell, third of Auldhouse, was in possession of that property from 1526 to 1546, and that his son and successor was—

XIV.—John Maxwell, Fourth of Auldhouse, 1546-1578,

Who was born about the year 1528,[2] and succeeded his father in the year 1546, as already shown. He is said to have acquired, in the year 1553, the lands of Meikle Glanderston, and others, in the parish of Neilston, Renfrewshire.[3] He witnessed a charter by John Maxwell of Pollok to James Maxwell of Dargavel and Elizabeth Fleming, his wife, on the 3d June 1557;[4] and an instrument in favour of the same parties, on the 8th November 1560.[5] About this time, John Maxwell got his rental right to Auldhouse converted into a feudal tenure by the subject superior, and soon afterwards he became a vassal of the Crown. On the 7th November 1562, he obtained from John Archbishop of St. Andrews, as Abbot of Paisley, a charter of the church lands of Eastwood, in the regality of Paisley, and, on the 12th December 1567, another charter of the five-merk lands of Auldhouse. Both of these charters were confirmed by King James VI., by charter under the Great Seal, dated 2d June 1572.[6] On the 3d April 1574, he was one of the inquest on the service of Thomas Colquhoun, son and

[1] Paisley Rental, p. 91.
[2] Vol. i. p. 313.
[3] Paterson's Ayrshire, vol. ii. p. 50.
[4] Original Charter at Pollok.
[5] Original Instrument at Pollok.
[6] Reg. Mag. Sig. Lib. 33, No. 18.

heir of Margaret Cunninghame, relict of John Colquhoun of Luss, in an annual rent of twenty-four bolls of oatmeal from the mains of Darnley.[1] He appears to have survived till the year 1585, although the latest notice of him which has been found is about the year 1578, when he gave evidence concerning the heirship goods of Sir John Maxwell of Pollok, and stated that he was then about fifty years of age and married.[2] His wife was Janet, daughter of Robert Dunlop of Hapland, fourth son of Alexander Dunlop of that Ilk.[3] She survived him, and as his relict, on 3d February 1585, entered into a contract with her son, John Maxwell, as son and heir of the late John Maxwell of Auldhouse, with consent of his curators, concerning the provisions to be made for herself, and her children, Euphame, Christian, Patrick, Helen, and William. It was agreed that she should have a year's crop, and the liferent of the third of the five-merk land of Auldhouse, and that the above-named sons and daughters should receive from their elder brother 100 merks each.[4] As relict of John Maxwell of Auldhouse, Janet Dunlop also paid a sum in full of an annual rent of 12 merks secured over Auldhouse, to Janet Hamilton, relict of John Stewart of Drumgrane, on the 27th February 1586. To the receipt for this payment one of the witnesses is her son, "Johne Maxvell of Auldhous."[5]

By his wife, Janet Dunlop, John Maxwell had four sons and three daughters:

1. John, fifth of Auldhouse.
2. George, who succeeded his brother John in Auldhouse.
3. Patrick; 4. William; 5. Euphame; 6. Christian; and, 7. Helen, who are all provided for by the above-mentioned contract. Of Patrick, the third son, and his descendants, a pedigree will be found near the end of this volume.

XV. (1.)—John Maxwell, Fifth of Auldhouse, 1584-1620,

Succeeded his father in Auldhouse about the year 1585. On the 3d of February of that year, he, with consent of his curators, entered into a contract with his mother, binding himself to make the provisions for her and his brothers and sisters already mentioned. Again, on the 27th February 1586, he witnesses the receipt by Janet Hamilton, relict of John Stewart, already referred to, in which he is designed "son to the said Janet Dunlop," and subscribes "Johne

[1] Vol. i. p. 308.
[2] Vol. i. p. 313.
[3] Paterson's History of Ayrshire, vol. ii. p. 50.
[4] Copy Contract from the Commissary Books of Glasgow, at Pollok.
[5] Original Receipt at Pollok.

Maxvell of Auldhous, as vitnes."[1] He appears to have died without issue, as his immediate younger brother, George, succeeded to the family estate of Auldhouse.

XV. (2.)—Mr. George Maxwell, Sixth of Auldhouse, 1600-1648.

Janet Miller, first wife, died c. 1620.
Jane Mure, second wife, died c. 1630.
Janet Douglas, third wife, died after 1655.

Mr. George Maxwell was second son of John Maxwell fourth of Auldhouse. He was educated for the Presbyterian Church, and became minister of Mearns —a parish of which his ancestors were in early times the principal proprietors.[2] When he was settled at the manse of Mearns, the old castle of Mearns was still inhabited by the Lords Maxwell; and before the end of his incumbency, his grandson, Sir George Maxwell, became the feudal Lord of Mearns, as successor to his cousin, Sir John Maxwell of Pollok.

It was probably this Mr. George Maxwell who, as a member of Presbytery for Paisley, sat in the Assembly at Glasgow in June 1610, when it was complained that the influence of Synods and Presbyteries was on the wane, through the negligence of the members thereof; but he does not appear ever to have taken a prominent part in ecclesiastical or other public business.[3]

Being a near relation of the family, and residing all his life at Mearns, in their immediate neighbourhood, Mr. George Maxwell would naturally associate much with his cousins at Pollok; and that he did so appears from numerous instruments preserved at Pollok, to which the worthy minister of Mearns is a party.

Two years before his death, Mr. George Maxwell had the satisfaction of seeing his grandson, Sir George Maxwell, provided to Pollok. Mr. George Maxwell was himself the next heir-male to Sir John Maxwell of Pollok, who died in 1647, and would have been entitled to succeed to the Pollok estates, which were settled on heirs-male. But as he was far advanced in years, and a beneficed clergyman, unversed in the management of large estates, and as his eldest son, Mr. John Maxwell, was also a clergyman, and somewhat embarrassed in his circumstances, it was considered advisable to propel the succession to his

[1] Original receipt at Pollok.
[2] Crawfurd's Renfrewshire, Robertson's edition, p. 288.
[3] Calderwood's History of the Kirk of Scotland, Wodrow Society edition, vol. vii. pp. 106-108.

eldest son, Mr. George Maxwell, who was young, highly educated, an active man of business, and well qualified to represent the ancient house of Pollok.

On the 17th February 1648, Mr. George Maxwell granted a discharge to Sir George of his liferent of the lands of Auldhouse, and of an obligation to make forthcoming the title-deeds thereof.[1] This is the last business transaction with which he is found connected.

Mr. George Maxwell died in November 1648, and his testament was given up by Robert Hamilton of Brigend of Partick, who, by gift of King Charles II., dated 21st December 1649, was appointed tutor-dative to George, Hew, Gabriel, David, and Robert Maxwell, children of the deceased, who were then pupils.[2] "The insycht of the house, etc., with the abuilzementis of the defunctis bodie, disposed upone be Jonet Douglas, reliet of the defunct," were estimated at £266. The testament was confirmed on 15th February 1651.[3]

Mr. George Maxwell married, first, Janet, daughter of John Miller of Newton, and Giles, his wife, daughter of Pollok of that Ilk; secondly, Jane, daughter of William Mure of Glanderston; she died after 8th January 1621. James, second Earl of Abercorn, by bond dated 21st March 1625, obliged himself to grant a presentation to the church of Mearns to any of the children of Mr. George Maxwell and Jane Mure, on account of the love and favour which his lordship had to their parents.[4] Mr. George Maxwell married, thirdly, Janet, daughter of Douglas of Waterside, in the county of Dumfries. She survived him, and went to Ireland in 1655. On the 12th January 1650, Robert Hamilton, as tutor-dative to her children above mentioned, granted a procuratory for requiring her to send her sons, George and Hew, to the place of Nether Pollok, where he had appointed them to be entertained, with certification that if she refused, she should have no recompense for their subsequent entertainment.[5] On the 22d October 1653, John Thomson in Rysland, granted a discharge to Sir George Maxwell of Pollok for forty merks on behalf of Janet Douglas, relict of George Maxwell of Auldhouse.[6]

By his three wives, Mr. George Maxwell had nine sons and one daughter:—

1. By Janet Miller—

1. John, seventh of Auldhouse.

[1] Original Discharge at Pollok.

[2] Vol. i. p. 339. The pupils are named in the gift in the same order as in the will, except that in the former Robert is named before David.

[3] Commissariot of Glasgow, Testaments, vol. 28, p. 552.

[4] Original bond at Pollok.

[5] Original Procuratory at Pollok.

[6] Original Discharge at Pollok.

2. By Jane Mure—

2. William Maxwell, advocate, ancestor of the Maxwells of Springkell, Baronets; an account of whom will be found after the charters in this volume.

3. George, who was apprenticed to Patrick Forbes, merchant in Edinburgh, on 23d January 1622. This apprenticeship was discharged in the following year, on 22d July. George died before Martinmas 1642, as appears from a list of debts, in which Mr. William Maxwell is entered as a creditor for 1000 merks, "be deceis of his brother George."[1]

4. Alexander, who, with his brother John, witnessed the infeftment in favour of John Maxwell, son and heir of the late Patrick Maxwell, burgess of Glasgow, in an annualrent out of Pollok on 9th November 1642.[2] No later notice has been found of Alexander, who seems to have died young and unmarried.

5. Patrick. William and Patrick Maxwell, designed "lawful sons of George Maxwell of Auldhouse," are witnesses to the infeftment of John, eldest son of Patrick Maxwell, burgess of Glasgow, in an annualrent from Pollok on 21st September 1624.[3]

6. James, who was minister of Kingarth in 1639.[4] John Lord Herries, and Robert Master of Herries, granted a bond of corroboration to Mr. James Maxwell, minister at Kirkgunehame, dated 20th September 1655. Sir Patrick Maxwell of Springkell indorsed on this bond as follows:—"This is due to me, as my uncle, Mr. James' heir and executor."[5] James had therefore died without issue.

7. —— Maxwell, daughter, who is referred to as the aunt of Dr. John Maxwell, brother of Sir George Maxwell, in a letter by the former to him, dated Loudon 5th May 1662. The Doctor writes that he is more indebted to Sir George "and to my aunt, nor I am to my ouue father and mother."[6]

3. By Janet Douglas—

8. George, who, with his four younger brothers, is mentioned in his father's will dated November 1648, as already noticed. On the 5th November 1649, he witnessed a bond by Janet Douglas, his mother, as his father's widow;[7] and on the 21st January 1655, he granted to Robert Hamilton, at Mearns Castle, his tutor, a discharge for all sums due to him. On the 29th of October of the same year, he discharged his curators, John Maxwell of Southbar, and William Anderson, portioner in Newton, of their intromissions for him and his younger brothers above named; and, on the 31st of the same month, having become of age since the 29th of January preceding, he granted to Sir George Maxwell of Pollok a similar discharge.[8] George Maxwell subsequently went to Ireland. He was at Strabane on 1st December 1656, as appears from a letter then written by him,[9] and the last notice found of him is another letter addressed, like the former, to his nephew, Sir George Maxwell of Pollok, from Dublin, on 2d October 1657, in which he states that he had agreed with one Mr. Wallis, Clerk of the Rolls of the High Court of Chancery, for a year.[10]

[1] Original List at Pollok. Also, Dean of Guild Records of Edinburgh, and Record of Deeds.
[2] Original Instrument at Pollok.
[3] *Ibid.*
[4] Extract Bond at Pollok.
[5] Springkell Inventory Book.
[6] Original Letter at Pollok.
[7] Original Bond at Pollok.
[8] Original Discharges at Pollok.
[9] Original Letter at Pollok.
[10] Original Letter at Pollok. On 9th July 1679, Sir John Maxwell of Pollok, afterwards Lord Pollok, wrote to Mr. Maxwell of Drumbeg as his "cousing."

9. Hugh, of Dalswinton. A notice of him and his descendants will be found in the Dalswinton branch, after the Charters.
10. Gabriel, mentioned in his father's will in November 1648, and in the gift of tutory-dative of 21st December 1649. Gabriel and David Maxwell, brothers-german of Hugh Maxwell, writer in Edinburgh, witnessed an infeftment of Pollok in favour of the University of Glasgow, on 2d October 1658.[1]
11. David, whose name appears in the same writs as that of his brother Gabriel. He entered the mercantile service on board the "Great Haulk" of Tounsberg, in Holland, to learn the art and trade of navigation during three years from 10th July 1661.[2] No subsequent notice has been found of David.
12. Robert, who is mentioned in the same deeds as Gabriel and David. In the tutory of 1649, he is named before David, and he may have been the elder of the two. On 5th October 1658, he granted a discharge to Robert Hamilton and Sir George Maxwell for all sums due to him.[3] No further notice has been found of Robert.

"Out of pitie," and for the speeial love and respeet he had to Janet Douglas, his grandfather's widow, and their five young boys, Sir George Maxwell of Pollok allowed her 700 merks yearly, for their education and qualifying them for suitable voeations.[4]

XVI.—Mr. John Maxwell, Seventh of Auldhouse, 1634-1666. Elizabeth Stewart, 1621-1662.

John Maxwell, the eldest son of Mr. George Maxwell, obtained possession of the lands of Auldhouse long before his father's death. Like his father, he was educated for the Church, and about the year 1620, became minister of the parish of Pollok or Eastwood, where he continued to labour till 1630, when he was translated to the High Church of Glasgow. The earliest notice of him amongst the family papers is on the 16th March 1620, when, under the designation of minister of Eastwood, he witnessed a lease by the College of Glasgow to Sir John Maxwell of Pollok, and Grizell Blair, his spouse, of the teinds of Pollokshiels and others.[5] The year following, Mr. John Maxwell married Elizabeth, daughter of James Stewart, tutor of Ardgowan; and their marriage-contract, to which his father, Mr. George Maxwell, minister of Mearns, is a consenting party, is dated 8th January 1621. Elizabeth's tocher was 3000

—[Copy letter at Pollok.] Thomas and William Maxwell wrote from Strabane in 1680, to their brother and uncle respectively, Mr. James Maxwell of Drumbeg, near Lisnegarvy.—[Original letters at Pollok.] It is probable that these Irish Maxwells were descended of Auldhouse.

[1] Original Instrument at Pollok.
[2] Original Indenture at Pollok.
[3] Original Discharge at Pollok.
[4] Copy Obligation at Pollok.
[5] Original Lease at Pollok.

merks, and Mr. George Maxwell became bound to infeft John, his son, and Elizabeth, in conjunct fee, and the children of their marriage, in the lands of Auldhouse, and the kirkland of Eastwood, called Broomfield.[1] On the 14th April 1625, being still minister at Eastwood, John witnessed a submission to his father and others, by John Lord Loudoun, and Sir John Maxwell of Pollok :[2] and on the 20th May 1631, under the designation of minister at the High Church of Glasgow, he granted a bond to his father, taking on himself half the expense of some proposed buildings on Auldhouse as already mentioned.[3] On the 4th June 1634, he and his wife, Elizabeth Stewart, obtained sasine from his father, George Maxwell, of the lands of Auldhouse, in terms of their marriage-contract.[4]

Whilst at Glasgow, Mr. Maxwell held several offices in addition to his charge as minister of the High Church. On 6th July 1632, he was elected Dean of Faculty of the University, which office he held until he was appointed to the higher one of Rector in 1636.[5] On the 6th July of the same year, in the capacity of Rector, he gave his consent to the submission between Robert Viscount of Belhaven and the College, concerning the teinds of Gorbals and Brigend.[6] On the 25th January 1637, he, as Rector, signed the commission by the College to Dr. John Strang, the Principal, to appear before the Lords of Privy Council, and inform them on the state of the University, in obedience to their letter of the 16th of that month.[7] Mr. Maxwell's son, Sir George, and his grandson, Lord Pollok, were also Rectors of Glasgow University for many years. The office was thus held by three successive generations of that family.

In the year 1639, Mr. Maxwell, having become involved in pecuniary difficulties, conveyed Auldhouse, with consent of his wife, Elizabeth Stewart, to his brother, Mr. William Maxwell, advocate, for behoof of himself and the other creditors ;[8] and shortly afterwards, owing to the troubles in the Scotch Church, he passed over to Ireland, where he was on 28th March 1640.[9] On the 2d of that month, "Bessie Stewart," his wife, got a sum of money for "transporting" of her to Ireland to her husband.[10] His kinsman, the Viscount of Clandeboy, made him parson of Killyleagh, the place of his own residence, where he con-

[1] Original Contract at Pollok.
[2] Original Submission at Pollok.
[3] Original Bond at Pollok.
[4] Original Instrument at Pollok.
[5] Munimenta Universitatis Glasguensis, vol. iii. p. 351.
[6] *Ibid.*, vol. i. p. 256.
[7] *Ibid.*, vol. i. p. 266.
[8] Original Disposition at Pollok.
[9] Original Apprising at Pollok.
[10] Original Receipt at Pollok.

tinued till about the year 1643, when, on the breaking out of the Irish rebellion, he was induced to return to Scotland. He resided for some time at Paisley, whence he often resorted to his chief, Sir John Maxwell, at Pollok,[1] and no doubt, also, to his father at Mearns. About the year 1643, Mr. Maxwell having now modified his dislike to the Covenant, was appointed a second time minister of Eastwood. Under that designation, he witnessed the contract of marriage between his son, George Maxwell, fiar of Pollok, and Anabella Stewart, in 1646,[2] and the last will and testament of his chief, Sir John Maxwell of Pollok, on the 28th October 1647.[3] On the 1st November 1648, he and his son, Sir George Maxwell of Pollok, entered into a contract with his brother, Mr. William Maxwell, advocate, afterwards of Springkell, concerning the re-conveyance of Auldhouse.[4] Mr. John Maxwell was suspected by the Covenanters of a leaning to the Episcopal form of government; and he was ordered by the General Assembly to give a particular renunciation of Episcopacy. Although a clergyman in the Presbyterian Church, he seems never to have been very zealous for the Presbyterian form of government. It is said that he might have been made a bishop after the Restoration: but he declined the office, being very aged.[5] On account of the infirmity of age, he resigned the living of Eastwood before the year 1652, when Mr. Hew Smith was appointed his successor.[6] On the 10th March 1658, the Presbytery of Paisley ordained the heritors to refund to Mr. Maxwell the sum of 620 merks Scots, expended by him in repairing the manse of Eastwood.[7] Mr. Maxwell received from his son Sir George an annuity payable quarterly. The last payment which has been traced is on 9th August 1666, for the Lammas quarter of that year.[8] It is presumed that Mr. Maxwell died soon afterwards. Elizabeth Stewart died about June 1662.[9] Mr. John Maxwell and Elizabeth Stewart had six sons and three daughters. The eldest and second sons were—

1. Sir George Maxwell of Pollok, of whom a Memoir immediately follows.
2. Zacharias of Blawarthill. An account of him will be found under the Blawarthill branch, after the charters. Following that branch, there is an account of the four younger sons and the three daughters of Mr. John Maxwell of Auldhouse.

[1] Original Charge at Pollok, dated 9th January 1643.
[2] Original Contract at Pollok.
[3] Vol. i. p. 337.
[4] Original Contract at Pollok.
[5] Notices of Mr. Maxwell by George Crawfurd, M.S.
[6] Crawfurd's Renfrewshire, Robertson's edit., p. 276.
[7] Extract Act of Presbytery at Pollok.
[8] Account Book at Pollok.
[9] Account Book at Pollok, containing an entry, on 26th June 1662, by Sir George Maxwell, of the payment of £44, 18s., as part of the expenses of his mother's burial.

THE MAXWELLS OF POLLOK, 1647-1863.

XVII.—Sir George Maxwell, fourteenth of Pollok, 1647-1677. Anabella Stewart, his wife, 1646-1690.

On the death of Sir John Maxwell of Pollok, in 1647, his estates devolved upon Mr. George Maxwell, the eldest son of Mr. John Maxwell of Auldhouse, who was the seventh in descent from Thomas, a younger son of the house of Pollok, who, as we have seen, founded the family of Auldhouse, in the latter part of the fifteenth century.

The mode in which the estates of Pollok were conveyed to Sir George has been already explained. Although Sir George was not really the head of his family until the death of his father in 1666, he took up that position immediately on the death of Sir John in 1647, and soon obtained a prominent place amongst the barons and proprietors of the west.

In the year 1646, Mr. George Maxwell married Anabella, daughter of Sir Archibald Stewart of Blackhall. Their contract of marriage is dated 23d November and 24th December 1646. By it Mr. George Maxwell, with consent of Sir John Maxwell of Pollok, binds himself to infeft Anabella Stewart, his future spouse, in liferent, in the lands of Cartsbridge, Blackhouse, Burnhouse, and Broom, and in the castle, tower, fortalice, and mains of Mearns. It was also agreed that the heirs-male of the marriage should succeed to Mr. George Maxwell in his whole lands and estates of Pollok, Haggs, Cowglen, Over Darnley, and the lands and barony of Mearns. And as all his lands were thus provided to heirs-male, he became bound, if there were no heirs-male of the marriage, to pay to the daughters of the marriage, at the age of sixteen, or on their marriage, the sum of 20,000 merks Scots, if only one daughter; if two daughters, 15,000 to the eldest, and 9000 to the youngest; and if more than two, 30,000 to be divided amongst them, the eldest to have 15,000 thereof. The tocher of Anabella Stewart was £12,000 Scots.[1] Besides succeeding to Sir John in his heritable estates, Sir George was appointed the sole executor of

[1] Original Contract at Pollok.

his personal estate, and, with Sir William Cochrane, afterwards Earl of Dundonald, acted as tutor to Isobel Maxwell, Sir John's only child.[1]

Although the succession of Sir George Maxwell was perfectly natural, and had been carefully considered and anxiously provided for by his predecessor, it gave great offence to Sir James Maxwell of Calderwood, also a branch of the Pollok family, but more remote than that of Auldhouse. Sir James had endeavoured to prevail on Sir John to adopt his brother, Colonel John Maxwell, as his successor in Pollok,[2] and he was warmly supported in this object by an influential lady—Ann Cuninghame, Marchioness of Hamilton, a neighbour and relative of Calderwood. Their efforts were unsuccessful, and in his disappointment, Sir James vowed vengeance on Sir George. Taking advantage of his absence from home, Sir James and his accomplices, in November 1647, attacked the mansion-house of Pollok, and attempted to set fire to it. The circumstances are fully narrated in the charge against Sir James, which states, that Sir James Maxwell of Calderwood, with James Stevenson of Nidrismill, and a great number of other armed accomplices, attacked the place of Nether Pollok in the month of November 1647, whilst Sir George Maxwell was in Edinburgh on business; that they were provided with forehammers, mattocks, gavelocks, and other instruments for breaking open the doors and gates, and were fully armed, "ilk ane of them boddin in feir of weir," with swords, pistols, and muskets. They made their attack before dawn, broke open the gates with their hammers and mattocks, and entered the house with drawn swords, cocked muskets, and pistols in their hands, threatening to kill all that attempted to flee or resist, to the great terror of all that were in the house, "especially of Sir George's lady, who was at that tyme grit with chyld, and neir the tyme of her delyverie, and to the grit hazard and danger of hir lyff." The assailants farther set fire to and burned down several of the under doors of the nether house, and placed armed sentries at all the gates and passages, so that no one could get out or in without the said Sir James Maxwell's permission; and so were guilty not only of the crime of hamesucken, but also of that of open and avowed treason and fire-raising.[3]

Criminal letters were raised by Sir George Maxwell against James Stevenson, who appeared before the Court of Justiciary at Edinburgh on the 15th

[1] Vol. i. p. 337. [2] Original Letter at Pollok. [3] Original Charge, dated 2d March 1648, at Pollok.

June 1648, declared his innocence of the whole charges, and offered himself to the trial of the law for the same, and for the relief of his cautioner, Thomas Weir of Garrelwood. As no party appeared to produce the letters against him, his protestation of innocence was admitted, and his cautioner relieved.[1]

This attack upon the house of Pollok seems to have led to an assault upon Sir James himself. On the 29th February 1648, Ludovick Stewart in Darneley, on the Pollok estate, was tried in the Court of Justiciary at Edinburgh for coming with his accomplices, under silence and cloud of night, in November 1647, to the Place of Pollok-Maxwell, and laying violent hands on Sir James Maxwell of Calderwood, and making him a prisoner, taking from him a bond for 1000 merks made to him by his creditors, carrying him to Paisley, and detaining him a prisoner there for eleven days and nights. John Maxwell, advocate, appeared as procurator for Sir James Maxwell, and Sir George Maxwell of Pollok appeared as proloeutor in defence of Ludovick Stewart. The diet was continued to the 21st June, and again to the 14th of July, Ludovick's cautioner, Archibald Stewart of Scottiston, being on each of these occasions held bound for his appearance. Ludovick Stewart did not appear on the 14th July, and the diet was again continued to the 15th of November following, and his cautioner held bound for his appearance at that date. On the 15th of November, neither Ludovick Stewart nor his cautioner appeared, and the former was then denounced rebel, and the latter outlawed.[2]

These violent measures were followed by proceedings in the supreme Civil Court, by which Sir James Maxwell attempted, but unsuccessfully, to dispossess Sir George of the Pollok estates.

Sir George was a steadfast Covenanter, and took a prominent part in the religious struggles which agitated Scotland in his time. One of his earliest public appearances was in the General Assembly which met in July 1648. Most of the members of this Assembly were avowedly elected for their known zeal for the Covenant, and their no less patent opposition to the Engagement, then the great question of the day.[3] Sir George Maxwell was also one

[1] Books of Adjournal, 1637-1650, p. 608.

[2] Books of Adjournal, 1637-1650, pp. 585, 700, 701, 711, 722. The case between Sir James Maxwell and Ludovic Stewart was afterwards referred to Sir George Maxwell and others. On 1st March 1652, Sir George made a report to the Committee of officers at Leith.—[Original at Pollok.]

[3] Baillie's Letters and Journals, vol. iii. p. 54. Edition of 1842.

of the commissioners for Renfrewshire, in the Parliament which met at Edinburgh in January 1649.[1]

After the defeat of their army by Cromwell at Dunbar, the strength of the Covenanters was paralysed for a time. Leslie resolved to give up his command, and there was no one competent to supply his place; statesmen and generals were wavering and divided, and Cromwell was advancing with the country apparently at his mercy, when Sir George Maxwell and other gentlemen, and some ministers in the western counties, met at Kilmarnock, and resolved to offer to the Estates to raise at their own charge a large force of horse and foot, amounting at least to 4000 strong. Sir George Maxwell, Mr. Patrick Gillespie, and the Laird of Glandcrston, proceeded to Stirling, and laid this resolution before the Committee of Estates. Their offer was accepted, and an act of State passed in their favour. The forces were raised and officered accordingly.[2] This Western Army, as it was styled, so far from repairing the breaches which already existed, became the occasion of new divisions and disputes, civil and religious. Its leaders got into difficulties with Cromwell and with the Committee of Estates, and applied to Sir George Maxwell to negotiate with both parties. On the 9th October 1650, the victorious Cromwell wrote to the Committee of Estates and to the Western Army, deploring the calamities of war, lamenting the rejection of the overtures which, with a Christian affection, he had made to them before any blood was spilt, and calling upon them now to give the State of England that satisfaction and security for their peaceable and quiet living which might in justice be demanded of them.[3] A committee of the army met to consider this document, and resolved to return no public answer, because they thought that the Committee of Estates, to whom a duplicate had been sent, could best answer it. At the same time, it was determined to send privately to Cromwell an answer, peculiarly national, in the shape of six queries, which Sir George Maxwell was directed to communicate to him.[4]

Their difficulties were more serious with the Committee of Estates, in whose hands Charles now was, and by whom his movements were regulated. After the "start," as Charles' attempt to escape out of the hands of the Cove-

[1] Balfour's Annals, vol. iii. p. 381.
[2] Baillie's Letters and Journals, vol. iii. p. 112.
[3] Cromwell's Letters and Speeches, vol. ii. p. 76.
[4] Balfour's Works, vol. iv. p. 135.

nanters was termed, the Western Army, and a large section of the Scotch Covenanters, lost all confidence in the sincerity of his adherence to the Protestant religion and to the Covenant. The Committee of Estates, however, were yet disposed to trust and support him, without any additional pledge of sincerity, and this led to a spirited remonstrance on the part of the western forces, of which Sir George Maxwell was the bearer. Although this remonstrance was issued only in the name of the commanders, gentry, ministers, and army, denominated the Western Forces, it nevertheless embodied the views of all the more earnest of the Covenanters. It blamed the Estates for undue haste in the negotiations which had taken place with Charles II. from the beginning, and specially censured the perseverance in these negotiations, after his Majesty had rendered it manifest to all that he was absolutely an enemy of the covenant and of true religion. It further urged, that as his Majesty had broken faith with them, by commissioning the Marquis of Montrose to invade the kingdom, at the very time that he was entering into a treaty with them ; that as he had shown himself to be an enemy of true religion, by keeping up a correspondence with notorious enemies of the work of reformation while abroad ; and that as he had proved himself an enemy of the covenant and kingdom, by refusing to sign the declaration presented to him by the Estates, till he was, as it were, compelled to do so ; therefore, it was now necessary for them to disclaim all guilt and sin of the King and his house, and declare that they could not own him and his interest in the state of the quarrel between them and the enemy, against whom, if it was the Lord's will, they were ready to hazard their lives. And finally, it called upon the Estates yet to remedy matters, by removing from the army, and from all places of trust, those who were not qualified according to the principles of the Covenant.[1]

This remonstrance was communicated to the Estates by Sir George Maxwell, and was produced and read before their committee at Stirling on the 22d October 1650. It gave great offence to the dominant church party, greatly widened the breach between them and the remonstrants, and led to a schism in the Church of Scotland. A Commission of Assembly, composed chiefly of members favourable to King Charles, met at Perth in December following, and so far from purging the army as recommended by the remonstrants, passed

[1] Balfour's Works, vol. iv. pp. 141-160.

resolutions enabling even avowed malignants not only to serve in the army, but to hold positions of the highest military command. The result was a schism in the Assembly of St. Andrews and Dundee of July 1651, when those who adhered to these resolutions were termed Resolutioners, and those who protested against them, withdrew and formed themselves into a separate Synod or Assembly, under the name of Protesters.[1] Sir George Maxwell, true to his principles, adhered to the Protesters, and took a prominent part in all their subsequent proceedings.[2] In 1655, he and Mr. Patrick Gillespie endeavoured to bring about a reunion of their party with the Resolutioners, but without success. In the following year, he endeavoured to get himself elected commissioner for the Sheriffdom of Ayr and Renfrew, in order to promote the interests of the Protesters with Cromwell. He was, however, defeated in this, through the influence of Lord Cochrane.[3]

The Protesters could not have been an unpopular party, for at the election of the Rector of Glasgow University in 1654, Sir George was the successful candidate, his opponent being his friend and neighbour, the Laird of Glanderston; and he was re-elected in the year 1655, and the four following years. There is no notice of an election in the year 1657, but it seems probable that Sir George performed the duties of the office during that year also. The records of the University bear ample testimony that he paid the strictest attention to his official duties during his Rectorship.[4] Whilst he was Rector, he was on terms of intimacy with Professor, afterwards Principal Baillie, one of the leading churchmen in the opposite section of the Covenanters, though himself still adhering firmly to the interests of the Remonstrants or Protesters.

In 1661, Sir George endeavoured to get new commissioners for the western

[1] Baillie's Letters and Journals, vol. iii. p. 185.

[2] Baillie's Letters and Journals, vol. iii. p. 246. The statement that Sir George adhered to the Protesters, is attested by his uniform and consistent conduct, and notwithstanding of a document bearing that, on 23d June 1651, a declaration was made by the King and Committee of Estates at Stirling, which narrates that Sir George Maxwell had appeared personally before them, and under his hand disclaimed the Remonstrance presented to the Committee of Estates in the month of October last, in name of the gentlemen, officers, and others attending the Western Forces; and that he had acknowledged his offence therein, and obliged himself never to meddle in it nor the like hereafter; therefore, the King's Majesty and Committee of Estates do, conforme to the Act of Parliament of the 4th of June instant, declare the said Sir George Maxwell now to have, and that he shall enjoy the assurance granted be the Estates of Parliament, and that he shall be free and unquestioned in his person, estate, and name for his accession to the said Remonstrance.—[Original Declaration at Pollok.]

[3] Baillie's Letters and Journals, vol. iii. pp. 276, 322.

[4] *Ibid.*, p. 244. Munimenta Universitatis Glasguensis, vol. i. pp. 348, 349, 351, 356, 362, 372; and vol. iii. pp. 578, 580.

shires, who would be more favourable to his party. He and his friends not liking Glencairn's employment, says Baillie, they spoke of Lauderdale and Crawfurd; but their design was Lockhart and the Remonstrators.[1] Glencairn had been elected on the 25th January 1660, and his commission and relative instructions were signed on the 26th of the same month. Sir George was dissatisfied with the election from the first. He thought the proceedings had been too hurried, and agreed to sign the instructions only on condition that they were not to be held as having his consent, unless first reported to the shire, and he heard thereon.[2]

The line of conduct which Sir George felt it his duty to pursue with regard to the King and the Covenanters, rendered him liable to the charge of disloyalty at a most dangerous time, just after the restoration of Charles II., and within a few months of the time when Argyll, Guthrie, and others suffered for their adherence to the Covenant and the Western remonstrance, both of which Sir George had so zealously supported. A charge was accordingly raised against him of having said, seven or eight years previously, in the presence of John Maxwell of Southbar, and James Stewart of Chrystwell, and James Stewart of Caversbank, that Cromwell had as good if not a better right to the crown than Charles Stewart.

But John Maxwell of Southbar declared that he considered himself bound, as a Christian and a friend, to vindicate Sir George's good name; and that though he were going to death, he would declare that neither then, nor at any other time, did he ever hear Sir George use any such words, or mention the King's name otherwise than honourably; whilst James Stewart of Caversbank also declared, faithfully and truly, that he never heard Sir George either use any such language, or ever say anything to the advantage of the Usurper, or the disadvantage of the King.[3]

Although this charge did not involve Sir George in any unpleasant consequences, he was not allowed to escape entirely unscathed for his proceedings with regard to the Covenant, and for the course which he had followed during Cromwell's usurpation. Immediately on the restoration of Charles II. an Act of Indemnity was passed for England and Ireland, containing no exceptions but those usual in such Acts. But it was only long afterwards that the indemnity was extended to Scotland. This delay was occasioned by the differ-

[1] Baillie's Letters and Journals, vol. iii. p. 446. [2] Vol. ii. pp. 291, 293. [3] Vol. ii. p. 295.

ences between the advisers of Charles as to the terms of the Act to be passed. Lauderdale and Middleton were then rivals for supremacy with the King. These statesmen wished the Act to be framed not so much for the good of the country, as for its bearing on their own individual interests. The former was for an entire indemnity, while Middleton wished exceptions, and his advice prevailed. The general Act was passed on 9th September 1662, and a separate Act was at the same time passed containing exceptions. This Act of exceptions deprived the general Act of its value. It was generally called the Act of Fining, and it was put into execution most rigidly. A committee was appointed by Parliament to fix upon the persons to be fined, and to settle the amount of their fines, being at the same time solemnly bound not to disclose the names of any of the persons fixed upon before the Act had actually passed the House. The ostensible ground on which this Act was attempted to be based was, that the fines therein imposed were necessary for the relief of the King's good subjects, who had suffered in the late troubles. But it was believed by many that the real object of Middleton, its chief promoter, was to obtain for himself and his friends the money thereby raised, as well as the estate of Argyle, with the addition of the title of Duke. Be this as it may, the Act was passed, and 700 or 800 noblemen, gentlemen, and burgesses, were indiscriminately fined in the sum of one million, seventeen thousand three hundred and fifty-three pounds six shillings and eight pennies Scots! Sir George Maxwell was amongst the victims, and was fined to the amount of £4000.[1]

Great efforts were made to get him relieved of this fine. Lauderdale, one of the most influential men at Court, was his true friend, and exerted himself in his favour; but Middleton, who was no less powerful, was a known enemy of Lauderdale, and but a doubtful friend of Sir George, and the fine was not abated.[2]

This was not the only trouble of a similar nature which overtook Sir George Maxwell at this time. Although this and similar fines were imposed for the remuneration of those who had suffered damage during the civil wars, there remained numerous claims for reparation, several of which were directed specially against Sir George. Thus, a claim, which seems quite groundless, was made

[1] Acts of Parliament, vol. vii. pp. 415, 420; Laing's History, 3d Edition, vol. iv. p. 25; Roll of Fines at Pollok. Wodrow's Church History, Burns' Edition, Blackie & Son, Glasgow, 1832, vol. i. pp. 89, 271, 273, 276.

[2] Vol. ii. pp. 299, 304, 305. Original Discharge, dated 1st February 1665, for £2000 Scots, the half of Sir George Maxwell's fine.

against him for injuries done to the eastle and estates of Drumlanrig in the year 1650. Colonel Gilbert Ker, with an armed foree, in the year 1650, had made an attaek on Drumlanrig Castle, burning the gates, wasting the grounds, and, as was alleged, ruining the tenants; and in 1661, Viseount Drumlanrig, eldest son of the Earl of Queensberry, charged Sir George as one of the number, though, at the time of the assault, he had been at his own house of Pollok, and only visited Drumlanrig some time after it had taken plaee. This was elearly explained to Lord Drumlanrig by Sir George's father-in-law, when the claim was first made;[1] and at the same time, Sir George himself assured the Viscount that he was not near his house at the time of the attack, but some seores of miles off. Some months later (27th July 1661), being questioned by the Commissioners at Ayr regarding the injuries eomplained of by the Earl of Queensberry and his son Viseount Drumlanrig, he deelared that he knew nothing of the marching of these forces into Nithsdale; that, in eompany with some gentlemen from Ayr, he had gone to Sanquhar, where they had lived in an inn, paying for all they got; that there were then no forces in the house; that he had gone thenee to Dumfries, and stayed eight days; and then having left the forees, with a resolution to mareh into England, had not returned till on his way to Dumfries, when having heard that some gentlemen were in Drumlanrig, and that the forees were marehing to the western parts, he went there, and remained from eight of the clock at night till seven next morning, and then heard, for the first time, that the gates had been burned some days before.[2]

His absenee from Nithsdale, however, does not seem to have saved him from fine. Queensberry's ease was taken up by Parliament; and, on the 29th Mareh 1661, they agreed to fix the amount of loss sustained and the reparation to be made at £2000 sterling, and appointed a committee to meet at Cumnoek, to inquire as to who were with the army under Colonels Ker and Straehan at the time of the assault, and to apportion a fine of £2000 amongst the guilty parties. The committee, eonsisting of the Earl of Eglinton, Lord Coehrane, and others, met, and reported to the Counеil the names of fifty or sixty gentlemen, who were fined in various sums, Sir George Maxwell's share being £1044, 9s. Seots. Many of the gentlemen who were fined, were absent, and many out of the country at the time libelled, but, nevertheless, all were found guilty.[3]

On 5th April 1661, Sir George was surprised by another elaim made

[1] Vol. ii. p. 297. [2] Copy Declaration at Pollok. [3] Wodrow's Church History, vol. i. pp. 291, 292.

against him by Gavin Coehrane, brother of William Lord Coehrane, for injuries done to their brother, Oehter Coehrane, so far baek as the year 1648. Sir George and the Cochranes, though otherwise good friends, were on opposite sides during the eivil wars, and in some encounter between the eontending parties, Oehter Coehrane had lost a horse, and other gear, as he alleged, through the fault of Sir George's retainers; and now, many years after, when the royalists had become the dominant party, reparation was demanded for the loss then sustained.[1] Lord Cochrane, however, to whom Sir George wrote on the subjeet, proved reasonable, and the matter was settled by arbitration.[2]

Again, in 1661, a elaim was made by Sir James Hamilton for a gift of Sir George Maxwell's fine, to eover losses alleged to have been sustained by him in 1649.[3] But this was a eharge against Sir George, not as a private individual, but as a leader amongst the Western Covenanters; and so far as he was eoncerned, the claim of Sir James was speedily quashed by the kind interposition of friends. Doetor John Maxwell, Sir George's brother, writes to him from London, on the 25th Deeember 1661, that Sir James Hamilton, one of Sir Frederiek's sons, had eome to London with two Irish gentlemen to obtain the fine, but that, with the assistanee of Mr. William Maxwell, he had frustrated this attempt of Sir James Hamilton. Mr. Maxwell had written to a friend of his own in Ireland, to whom Sir James's estate was mortgaged, and this ereditor had warned Sir James that if he did in any manner molest Sir George, he would pursue him in law. This had the effeet of making Sir James ask Mr. Maxwell to intercede with his Irish friend, on eondition that the claim against Sir George was urged no further.[4]

In the midst of his public business and private troubles, Sir George found time to make himself useful to his family and friends. He was very intimate with Robert second Earl of Nithsdale, and transacted much of his business. In May 1650, the Earl assures him that out of the roll of his best friends he would never be "deleet," and that, if he had offended him, he would not rest in his endeavours till reponed in his favour.[5] And in February 1654, Elizabeth Countess of Nithsdale, the Earl's mother, in writing to Sir George, requesting him to prevent the teinds of the ehureh of Troqueer in Galloway from being taken out of her son's possession, says, that sinee she eould not have the

[1] Vol. ii. p. 300.
[2] Vol. ii. p. 301.
[3] Vol. ii. pp. 303, 304.
[4] Vol. ii. p. 305.
[5] Vol. ii. p. 281.

happiness of seeing him in her own country, she must importune him by letters, as one of whose wisdom and affection towards herself and her son she remained most confident.[1] Sir George was at Edinburgh on the Earl's business in March 1657;[2] and again, in June 1657, the Earl wrote to him from Edinburgh, specially requesting him to come to town without delay, to aid him in his business then before the Court, as his uncle William would explain to him at large.[3] About this time, too, Sir George, with the Earl's approval, sold the barony of Mearns, in order to enable him to meet the obligations under which he had come to his Lordship regarding the lawsuit between him and the Countess of Buccleuch.[4] Sir George Maxwell also occupied a position with Charles sixth Duke of Lennox and Richmond, very similar to that which he held with regard to Lord Nithsdale. In September 1662, he acquired from his Grace part of the lands of Darnley;[5] and both before and after that period managed much of his business in Scotland.[6]

It might have been for his own advantage to occupy himself with the affairs of his noble friends, but at the same time Sir George was not unmindful of the interests of those in more humble circumstances. It will afterwards be seen how kindly and warmly he exerted himself in behalf of his brother-in-law, the Rev. Alexander Jamieson, when ejected from the living of Govan. Another occasion on which his benevolence was manifested, is related by Wodrow.[7] When Sir George, a short time after the execution of Mr. James Guthrie, the Covenanter, heard that his widow was in want, he called for Mr. Lang, his chaplain, and told him that he had been very uneasy since he had heard of her straitened circumstances, and that he had little money on hand at the time. He therefore produced a purse of gold, mostly old Scotch coins, on which he set a peculiar value as curiosities, remarking, that he would rather have given double their value in ordinary money, but that he could not, and would not delay. He gave Mr. Lang the purse accordingly, and sent him express to Edinburgh with it, along with a letter to Mrs. Guthrie. Mr. Lang, knowing that the coins were worth 500 or 600 merks, borrowed that amount in Glasgow, left the gold in pledge, and delivered the money to Mrs. Guthrie. Some time after, when Sir George had plenty of money in hand, Mr. Lang

[1] Vol. ii. p. 284.
[2] Original Letter at Pollok.
[3] Original Letter at Pollok.
[4] Vol. ii. p. 289.
[5] Original Disposition at Pollok.
[6] Vol. ii. pp. 308, 320.
[7] Wodrow's Analecta, printed for the Maitland Club, vol. i. p. 305.

told him what he had done, and, to his great delight, went and redeemed the coins.

Besides being subjected to pecuniary fines, Sir George Maxwell was now to be deprived of his personal liberty. He was cast into prison. No crime was alleged against him to warrant such treatment. He was one of the leading Presbyterians in the west, and did not of course comply with the form of Episcopal Church Government recently established. He was thus obnoxious to the Church dignitaries who then chiefly ruled Scotland through the High Commission. This imprisonment of Sir George took place in the beginning of September 1665. Many other good men, chiefly in the west of Scotland, were also imprisoned along with him.[1] During the first three years we have not ascertained where Sir George was imprisoned; but on the 4th August 1668, he was ordered to enter himself prisoner in the tolbooth of Kirkaldy within eight days, under a penalty of £500 sterling. Next day, however, he was ordered to Stirling Castle.[2] Here, it is believed, he continued till his final liberation.

Great but unavailing exertions were made at this time, especially by his warm and zealous friend, Lady Kettleston, to procure Sir George's release. His enemies represented to the King that he did not consider him his lawful sovereign, and would never yield him obedience, and made so many similar and equally groundless charges against him, that his Majesty only consented to his release on his giving a bond; at the same time declaring, that Sir George's ambition had carried him, and that, being the head of a faction, and the main person that kept the rest on, he would never take the bond and himself be brought off. The King was right as to the course which Sir George would take, though wrong as to the motives which prompted him. He was ready to make his loyalty appear by his deeds, whether at liberty or under restraint, but in conscience he could not take the bond; and the result was, that he remained in prison for about two years longer.[3]

Next year, however, the severity of his confinement was somewhat relaxed, and, on the 25th February, he was allowed to proceed to Edinburgh on business. On the 4th March following, his grant of liberty was prolonged till May, and, on the 5th May, it was extended to June of the same year. This indul-

[1] Wodrow's Church History, vol. i. p. 425; vol. ii. p. 145.

[2] *Ibid.*, vol. ii. p. 119.

[3] Vol. ii. pp. 313, 315. The tenor of the bond which Sir George Maxwell refused to give, was as follows:—"I, A. B., do engage, bind, and oblige myself to keep the public peace, under the pain of a year's rent of all and whatsomever lands and heritages pertain to me, to

gence may have been the consequence of a petition for release presented to Lauderdale as Commissioner by Sir George, along with Sir William Cuninghame of Cuninghamehead and Sir William Mure of Rowallan. The document is without date, but it was evidently written about this time. It sets forth,—

"That whereas, being detained more than these four years prisoners, to our heavy prejudice in our persons, families, and affairs; and seeing we are, through the grace of God, still resolved to continue in all faithful duty and loyalty to our dread sovereign, and due respect to the peace and welfare of the kingdom, may it therefore please your Grace, in consideration of the premises, to order our releasment; whereby your Grace shall not more evidence his Majesty's goodness, and your own affection to his Majesty's service, than oblige, to all thankful acknowledgment, your Grace's most humble supplicants and servants."[1] Lauderdale listened favourably to this petition, and ordered the release of the prisoners. The exact date of Sir George Maxwell's final liberation from prison has not been ascertained, but it must have been before the 23d August 1670, as on that date Mr. Hew Barclay, Straban, wrote to him, congratulating him on his release from the troubles to which he had been so undeservedly subjected.[2] In September following, we find Sir George, in conjunction with his noble friend, John Earl of Tweeddale, taking active measures to promote the welfare of his country, and of the Church.[3] Next year he was occupied with the Duke of Lennox and Richmond in the management of his Admiral's dues and other matters;[4] and two years after, he assisted the Duchess-Dowager of Lennox and Richmond in the settlement of her affairs after the death of the Duke.[5]

Sir George's troubles, arising from the maintenance of his religious principles, did not end when he regained his liberty. A severe proclamation against attending conventicles and other ecclesiastical delinquencies was published on 1st March 1676, requiring all magistrates and officers rigorously to

be paid in case I contravene; and also I bind and oblidge me, that these who are, or at any time hereafter shall be my men, tenants, and servants to me, during the time they shall be men, tenants, and servants to me, shall keep the public peace, under the pains respective aftermentioned, to be paid toties quoties, if they, or any of them, shall do in the contrar; that is to say, of the payment of the full value of a year's duty, payable to me for the time by the tenant or tenants that shall happen to contravene; and for my servants in case any of them shall contravene, the full value of a year's fee. Which sums foresaid, I bind and oblige me, my heirs, executors, and successors, in the case foresaid, to pay the Commissioners of the Treasury, Treasurer or Treasurer-depute, who shall happen to be for the time, for his Majesty's use; and consent thir presents be registrate in the books of Privy Council."—[Wodrow's Church History, vol. ii. p. 94.]

[1] Wodrow's Church History, vol. ii. p. 145.

[2] Original Letter at Pollok.

[3] Vol. ii. p. 316.

[4] *Ibid.*, pp. 70, 320.

[5] *Ibid.*, p. 32.

put the laws against them into execution. In accordance with the tenor of this edict, Sir George Maxwell, John Maxwell his son, and Mr. George Lang, their chaplain, were summoned to appear before the Privy Council, at Glasgow, on the 21st of April following, to answer to the charge of having been present, during the years 1674, 1675, and 1676, at house or field conventicles, at least for withdrawing themselves from the public ordinances in their own parish churches, or at least for marrying, or having had children baptized at these disorderly meetings, at the least having invited other ministers to invade pulpits, and assembled people to hear them, and had harboured and corresponded with Mr. John Welsh and other declared rebels.[1] Sir George and his son John, through the favour of some of the Committee, were not called upon at this time to take the oath, and so escaped the fine, which was fixed at £50 for each attendance. But so late as the 5th June 1676, there was still a process against Sir George, which, as it had not been brought to an issue, the Council then referred to the Committee for Public Affairs. The result of this process has not been recorded ; but this is not astonishing, as the character of the Committee was so anomalous, and its proceedings were so arbitrary, that it seems purposely to have avoided keeping a full record of its transactions.[2]

Sir George continued actively employed in public affairs and in works of private benevolence to the very close of his long life, as may be seen from his curiously minute diary, of which extracts are given at p. 349.[3] And that his influence continued undiminished appears from the fact that, so late as the 20th July 1676, his presence in Edinburgh was urgently requested by Lord Tweeddale, to assist him with his advice in some business for the Duke and Duchess of Monmouth.[4]

When in Glasgow on the 14th of October 1676, Sir George was seized, during the night, with a "fiery distemper." On the following day he was taken to Pollok, where he lingered in severe illness for several months. On the 4th of January his sickness was very violent. He never afterwards recovered his health, and he died in the end of April 1677.[5]

[1] Original Charge at Pollok.

[2] Wodrow's Church History, vol. ii. pp. 321, 324.

[3] The diaries of Sir George are remarkable for his confessions, experiences, and practices, as a religious man.

[4] Original Letter at Pollok.

[5] Sir George's death was attributed, by some of his contemporaries, to his having been "bewitched" by five witches and a wizard, who were all tried, and, with one exception, condemned to be burned on the Gallow-Green of Paisley. This remarkable case was first published in the year 1685, by Professor Sinclair of Glasgow, in his book entitled, "Satan's Invisible World Discovered." The account was furnished to the Pro-

Enough has already been said to show that Sir George Maxwell was an able, upright, and good man; and instead of attempting to write a formal eulogium upon him, we will only adduce the opinions formed of him by some of his contemporaries and intimate friends who had the best opportunity of knowing him. Thomas Stewart of Coltness, when Sir George's death was hourly expected, wrote to his sister, who had married Sir George's eldest son, that their "generation shall not be witness to the loss of such a person in the west country."[1] Jean Lady Strathnaver had received from his son an account of Sir George's last illness, and in reply thanks him for his goodness in writing her the sad story of his worthy father's trouble, whose memory, she says, ought to be sweet to all virtuous persons that ever knew him.[2] Mr. John Carstares, a clergyman, speaks of Sir George in a letter to his son, as a choice, eminently accomplished, and renowned father.[3]

Wodrow, who was minister of the parish of Pollok or Eastwood, says that the good order preserved in Sir George's house, his good servants, and regular and unaffected family worship, had been the means of the conversion of several parties; that the Laird of Camnethan, when a prisoner and confined in Sir George's house, was thus converted, and that young Calderwood confessed the same as to himself on his deathbed.[4]

fessor by Sir George's son, afterwards Lord Pollok. It was subsequently republished in the "History of the Witches of Renfrewshire," Paisley, 1809, pp. 35 *et seq.*; and again, in "The Philosophy of Witchcraft," by J. Mitchell and J. Dickie, Paisley, 1839, pp. 158 *et seq.*

[1] Vol. ii. p. 324.

[2] *Ibid.*, p. 327.

[3] *Ibid.*, p. 334.

[4] Wodrow's Analecta, printed for the Maitland Club, vol. ii. p. 62.

The character of Sir George Maxwell, and his peculiar mode of relieving the wants of the suffering Covenanters, have been specially referred to in Mr. Galt's novel of Ringan Gilhaize:—

"Among others," says Ringan, speaking of the herd he met near Pollok after the dispersion of the Covenanters at Rullion-green,—"Among others, he pointed out to me Nether Pollok, in the midst of a skirting of trees, the seat and castle of that godly and much-persecuted Christian, and true Covenanter, Sir George Maxwell, the savour of whose piety was spread far and wide; for he had suffered much, both from sore imprisonment and the heavy fine of four thousand pounds inposed upon him. . . . . Being then hungered and very cold, after discoursing with the poor herd, who was a simple stripling in the ignorance of innocence, I resolved to bend my way toward Nether Pollok, in the confident faith that the master thereof, having suffered so much himself, would know how to compassionate a persecuted brother. And often since I have thought that there was something higher than reason in the instinct of this confidence; for, indeed, had I reasoned from what was commonly said—and, alas! owre truly—that the Covenanted spirit was bent, if not broken, I would have feared to seek the gates of Sir George Maxwell, lest the love he had once borne to our cause had been converted by his own sufferings and apprehensions into dread or aversion. But I was encouraged of the spirit to proceed.

"Just, however, as I parted from the herd, he cried after me, and pointed to a man coming up the hill at some distance, with a gun in his hand, and a hird bag at his side, and two dogs at his heels, saying, 'Yon'er 's Sir George Maxwell himsel ganging to the moors. Eh! but he has had his ain luck to fill his pock so well already.'

"Whereupon I turned my steps towards Sir George, and, on approaching him, beseeched him to have compassion on a poor famished fugitive from the Pentlands.

"He stopped, and looked at me in a most pitiful man-

Anabella Stewart, Lady Maxwell, survived Sir George a considerable time. In November, the year of Sir George's death, she wrote several letters to her son John, who was from home at the time, and from these she seems to have been deeply impressed with a sense of the danger of the times, and specially anxious about the safety of her son and his wife.[1] Anabella Lady Maxwell died in 1692, before the 12th of December, as on that date her son notes the "money by my mother when she died."[2] Sir George and Anabella had three sons and three daughters.

1. John, who succeeded his father.
2. William, who died before 27th February 1654, when his father records that some sad convictions were these days past on his spirit upon the death of his son William.[3]
3. George. The first notice of him is in his father's diary on 26th July 1655, when he records that his son George was saved from a peril of breaking his leg.[4] The next notice of George is also from his father's diary. He records, on 8th March 1657, "My wiffe much sick: my son George also."[5] On the 4th February 1666, 1500 merks were assigned to George by his father's bond of provision, in which he is called his second [surviving] son. By disposition dated 27th July 1667, Marion Stewart, relict of George Hutcheson of Lambhill, conveyed to George Maxwell two third parts of the lands of Yocker, etc. On 9th May 1672, Sir George paid, at Edinburgh, £17, 19s. 6d. for Holland cloth for his son George, and £2, 8s. for the making thereof.[6] George Maxwell died between that date and 14th August 1688, when his eldest brother, Sir John, was served heir of provision to him.[7]
4. Marion, born 8th August 1649, as her father, Sir George, states in his diary.[8] By her father's bond of provision, of date 4th February 1666, she, as eldest daughter, was pro-

ner, and shook his head, and said, with a tender grief in his voice,—'It was a hasty business, and the worst of it not yet either heard nor over; but let us lose no time, for you are in much danger if you tarry so near Glasgow, where Colonel Drummond came yesterday with a detachment of soldiers, and has already spread them over the country.'

"In saying these words the worthy gentleman opened his bag, which, instead of being filled with game, as the marvelling stripling had supposed, contained a store of provisions.

"'I came not for pastime to the moor this morning,' said he, presenting to me something to eat, 'but because last night I heard that many of the outcasts had been seen yesterday lurking about thae hills, and as I could not give them harbour, nor even let them have any among my tenants, I have come out with some of my men as it were to the shooting, in order to succour them. But we must not remain long together. Take with you what you may require, and go away quickly; and I counsel you not to take the road to Paisley, but to cross with what speed you can to the western parts of the shire, where, as the people have not been concerned in the raid, there's the less likelihood of Drummond sending any of his force in that direction.'

"Accordingly, being thus plentifully supplied by the providence of that Worthy, my strength was wonderfully recruited, and my heart cheered. With many thanks I then hastened from him, praying that his private charitable intents might bring him into no trouble. And surely it was a thing hallowing to the affections of the afflicted Scottish nation to meet with such Christian fellowship."—Ringan Gilhaize, or the Covenanters, by Galt, vol. ii. pp. 284-288.

[1] Vol. ii. pp. 325, 326.
[2] Journal at Pollok.
[3] Vol. i. p. 359.
[4] *Ibid.*, p. 369.
[5] Vol. i. p. 369.
[6] *Ibid.*, p. 371.
[7] Retour at Pollok.
[8] Vol. i. p. 349.

vided in 15,000 merks.[1] Marion married first, in December 1674, James Stewart of Rosyth, by whom she had no issue.[2] She married secondly, before 18th February 1706, Sir Charles Murray of Dreghorn, Baronet. On that date, she, with consent of Sir Charles, granted a discharge to her brother, Sir John, for 1000 merks bequeathed to her by her mother. They, at the same time, made a settlement of their affairs, whereby an annualrent of 6000 merks was provided to Sir John, her brother, as trustee for behoof of Marion's cousin, Jean Maxwell, relict of Hugh Crawfurd of Woodside, and her children, and of another cousin, Margaret Maxwell, wife of Professor Robert Stewart, Edinburgh, and their children.[3] Jean and Margaret Maxwell here mentioned were the eldest and second daughters of Zacharias Maxwell of Blawarthill. Marion Maxwell, Lady Rosyth, died in May 1717, as appears from the diary of her brother, Lord Pollok, who, on the 11th of that month, enters that he gave his servant money for mourning for his Lordship's sister "Rosyth."[4] Sir Charles Murray died in December 1736.

5. Anabella, baptized 24th May 1657.[5] By her father's bond of provision of 4th February 1666, she was provided in 10,000 merks.[6] The next notice of her is on 9th May 1672, when her father pays at Edinburgh £83, 10s. 9d. for a gown, and £2, 8s. for gloves to her.[7] Anabella married first John Cathcart of Carlton. Their contract, in which she is styled second daughter of Sir George Maxwell, is dated 28th November 1679; and by it John Cathcart is bound to infeft Anabella, his future spouse, in liferent, in parts of the barony of Carlton, whilst her brother, John Maxwell, gives 16,000 merks Scots of tocher with his sister.[8] Of this marriage there was no issue; and her husband dying early, Anabella married, secondly, Robert Pollok of that Ilk. Their contract is dated the 25th and 30th of January 1686. Robert obliged himself to infeft Anabella in liferent in the lands of Ryot, etc.; and she assigned to him £10,000 Scots in name of tocher.[9] Anabella died soon after her second marriage, of which there was no surviving issue, as on 15th May 1691, Sir John Maxwell of Pollok was charged as apparent heir to enter himself heir in general to the late Anabella Maxwell his sister.[10]

6. Margaret. The first notice of her is on 4th February 1666, when, according to her father's bond of provision, already mentioned, she was provided in 10,000 merks.[11] The next notice of her is under date 9th May 1672, when Sir George, her father, records in his diary that he paid for her "pettiecoate" £30, 10s. 9d.[12] She married Alexander Maxwell, younger of Calderwood. Their contract is dated 30th September 1684, and he received with her a tocher of £10,000 Scots.[13] Alexander, her husband, predeceased his father without issue before 9th January 1701.[14] Margaret died in May 1685, when her brother, Sir John, was allowed to leave the Tolbooth of Edinburgh to attend her funeral.

[1] Original Bond at Pollok.
[2] Crawfurd's Renfrewshire, p. 188.
[3] Original Disposition and Discharge at Pollok.
[4] Diary at Pollok.
[5] Account-book at Pollok.
[6] Original Bond at Pollok.
[7] Vol. i. p. 371.
[8] Original Contract at Pollok.
[9] Original Contract at Pollok.
[10] Original Charge at Pollok.
[11] Original Bond at Pollok.
[12] Vol. i. p. 371.
[13] Original Contract at Ardgowan.
[14] Calderwood Branch, *infra*.

XVIII.—1. Sir John Maxwell, Lord Pollok, 1677-1732; Marion Stewart, his wife, 1671-1706.

This Laird of Pollok was the eldest son of Sir George Maxwell and Anabella Stewart, Lady Maxwell of Pollok, and was born in January 1648. He commenced his studies for the profession, in which he afterwards became so eminent, in Edinburgh about the year 1667. Mr. Hew Maxwell, writing to Sir George Maxwell in the beginning of January 1668, says that he was very glad, and that he hoped Sir George would be so too, when he saw that his son was progressing very well, and showing himself to be both able and diligent, without the least appearance of unsteadiness or idleness. Mr. Maxwell had, however, fallen a little sad since he had heard of the intended hard usage to which his father was to be subjected, and was frequently speaking of it. At the same time his health was as good otherwise as ever it had been. He was very careful to make himself agreeable to all persons, and got much of their affection in return.[1]

Sir George Maxwell having been imprisoned in the year 1665, on account of his religious principles, and thereby removed from the charge of his estate, he made an arrangement to put it in the possession of his eldest son, although he was then under age. Following out this arrangement, a charter was granted, on 20th April 1665, by Sir George to John Maxwell his eldest son, whom failing, to George the second son, and to his other sons to be born, of the estate of Pollok. Sir George reserved for himself and his wife the lifcrent of certain parts of the estate, and power to make provisions for his son George and his daughters, Marion, Anabella, and Margaret Maxwell.[2]

In the year 1670, Mr. Maxwell went on a visit to London, and his diary shows how tedious the journey was in those days between the two capitals. On the 13th April 1670, he started from Edinburgh and proceeded to Dunbar, where he visited the church and the Earl of Dunbar's tomb. Next day he went through a "muir country," twenty miles to Berwick, where he dined at the postmaster's, and passed on to Belford. On the 15th he went from Belford to Morpeth, and on the 16th he reached Newcastle. On the 17th he slept at

[1] Original Letter at Pollok.

[2] Original Charter at Pollok.

Durham, and on Monday the 18th he reached Allerton, where he lodged for the night. On Tuesday the 19th he got to Borrowbridge, where he dined, and proceeded to Ferrie Bridge, where he stayed all night. On Wednesday the 20th, he crossed the Trent to a town opposite Marnam, where they were all in danger of being drowned, it being 12 o'clock at night before they got off.[1] The rest of the journey he has not recorded, but the stages here given convey a pretty accurate idea of the rate at which they travelled, about thirty miles a day —not quite railway speed, but considered good travelling two hundred years ago.

Soon after his return from London, he made arrangements for his marriage. Two of his letters to his intended spouse have been preserved, and are well worth perusal.[2] The lady of his choice was Marion, daughter of Sir James Stewart of Kirkfield, Knight, and sister of Sir James Steuart of Goodtrees, Lord Advocate of Scotland.[3] Their contract of marriage is dated 23d February 1671, and by it Sir George Maxwell became bound to convey to his son the Mains of Pollok, Pollokshaws, Haggs, Govanshiels, Titwood, Cowglens, and Arden, as a provision for him and his wife and their children. The tocher of Marion Stewart was 25,000 merks.[4] This new settlement of the Pollok estates was confirmed by charter under the Great Seal on 2d February 1672, by King Charles II., as King, and as Prince and Steward of Scotland, in favour of John Maxwell. By this charter, the estate of Pollok was disjoined from the barony of Mearns, of which it previously formed a part, and was erected into a separate barony, to be called the barony of Pollok, and the manor-place of Pollok was ordained to be the principal messuage of the same, and to be held as one whole and free barony of the Princes and Stewards of Scotland.[5]

Between the date of his marriage, in 1671, and the death of his father in 1677, up to which time he was usually designated the Laird of Pollok, younger, little that is worthy of notice is recorded of him. Some years after his father's death, John Maxwell applied for a restoration of the title of Knight-Baronet, which was conferred on Sir John Maxwell in 1633, and became extinct on his death without heirs-male of his body. His intention was that the title should go to the heir-male of his estates; yet no steps were taken for that purpose, in

[1] Vol. i. pp. 373, 374.

[2] Vol. ii. pp. 317, 318.

[3] Marion Stewart's maternal grandfather was Mr. David M'Culloch of Goodtrees, W.S. He lived above a hundred years, and died about 1670.—[Coltness Collections, p. 28.]

[4] Extract Contract at Pollok.

[5] Original Charter at Pollok.

consequence of Sir George having been knighted in his own right soon after his succession to Pollok. In the memorial for a re-grant of the title, it is said—

"If Sir John had not died without aires maile of his oune bodie, and his nearest kinsman, the late Sir George, been knighted some years befor Sir John's death, naither the title nor the general acknonledgment of it had at all discontinued, it being the nndoubted intention of the said Sir John to devolve the honor with the estate upon the said Sir George. Vpon these gronnds, John Maxwell, now of Pollok, without the least undue affectation, but only to maintaine the honor of his ancestores, doeth humbly move that it may please his Majestie, the forsaid patent and title, as fallen in his Majestie's hands by the said Sir John's decease without aires maile of his bodie, may be revived, and a patent granted in favours of the said John, bearing priviledge and precedence from the date of the former."

This application was successful. King Charles II. granted a new patent, dated 12th April 1682, which narrates, that the title of Knight-Baronet, conferred long since by his Majesty's father upon Sir John Maxwell of Pollok, is vacant in his Majesty's hands, and being willing to continue the title in the person of his trustie and well-beloved John Maxwell, now of Pollok, only lawful son to the deceased Sir George Maxwell of Pollok, upon whom the said deceased Sir John Maxwell did confer his lands and estate, *as being his nearest kinsman*,[1] the King therefore re-grants the dignities to Sir John and his heirs-male.

Although thus honoured by his Sovereign, Sir John Maxwell did not escape his share of the persecutions to which all those were exposed who, like him, had consistently supported the cause of civil and religious liberty according to the views of the strict Presbyterians of that day; and although he had hitherto succeeded in avoiding any direct collision with the civil authorities, he was now, like his father, subjected to fines and imprisonment. Amongst the many enactments against the Presbyterians, after the Restoration, was the Act against conventicles and irregular baptisms, passed on the 13th August 1670, ordaining that every heritor, for every house conventicle he attended, should be fined in one-fourth of his yearly rental; for every field conventicle, one-fifth; and for every irregular baptism, one-fourth of the rental. Proceeding on this Act, the Procurator-fiscal for Renfrewshire, on the 7th September 1682, obtained decreet, before the Sheriff of the county, against Sir John Maxwell and

[1] Vol. i. p. 346. On the 27th of March 1707, Queen Anne re-granted the title of Knight-Baronet to Sir John, and extended the limitation of heirs to the heirs of entail succeeding to him in the estate of Pollok.—[Vol. i. p. 348.]

other heritors. The libel on which this decreet proceeded, charged the defenders with having shaken off all fear or regard to his Majesty's laudable laws and Acts of Parliament, and with having, in high contempt thereof, weekly, the three years bygone, haunted and frequented house-conventicles once every week thereof, inde, ane hundred and fifty-six times within the three years last bypast, and also with having once every one of the saids three years had one child baptized irregularly with another person nor their ordinary parish minister, being three times; and sicklike, the said hail fornamed persons with having wilfully separate and withdrawn from their own parish churches, and from the hearing of divine worship made therein daily and each Sabbath-day the three years bygone, extending to ane hundred and fifty-six times, whereby the said hail persons had incurred the fines and penalties contained in the saids respective Acts of Parliament, and ought to be decerned therefor to make payment to the pursuer of the same, conform to their respective interests and valuations, which were specified in the decreet. None of the defenders appeared in this action, and decreet was given against them. The fine imposed on Sir John Maxwell was £93,600 Scots, which was the largest but one of the fines then imposed; the largest fine being that imposed on Sir George Maxwell of Newark. This exorbitant fine Sir John refused to pay, and no proceedings appear to have followed immediately on his refusal; but in the next year, we find him in the Porteous Rolls for Renfrewshire, charged with resetting of rebels:—

"In so far as Stevenson, shoemaker in Pollocktown, Robert Jackson in Carnwatherick, Arthur Cunningham there, Robert Taylor there, Archibald Barr in Pollocktown, and several other of your servants and tenants, being actually in the rebellion, 1679, were, upon the first, second, or remanent days of the months of July, August, September, October, November, or December 1679, or January, February, or the remanent months of the years 1680, 81, 82, 83, or upon some of the days of the months foresaid, reset, harboured, intercomuned, aided, assisted, and did favours, or had favours done to them by you, or you otherwise supplied them. Of the which crimes you are actor, art and part. As also, the said Sir John Maxwell is guilty of high treason, as upon one of the foresaid days the said rebels and traitors, who were actually in rebellion, were supplied and furnished with meat, drink, and other provisions, reset and entertained in his house, by order of him, his lady, or other persons."[1]

Of these charges, Sir John Maxwell might easily have relieved himself, if his conscience had allowed him to take the famous Test, as it was called. This was the oath ordained by Act of Parliament of 31st August 1681, to be

[1] Wodrow's Church History, vol. iii. p. 481.

taken by all officers and persons in places of public trust, which soon came to be considered a test of loyalty for all classes, high and low, whether they could understand it or not.[1] On the 24th July 1683, a large number of gentlemen and commoners appeared before the Council, charged in the Porteous Roll with the same crimes, and in the same terms as Sir John Maxwell, who took the test, and were dismissed. On the day following, Sir John appeared, but refused to take the test, and was, with nearly a hundred others, cast into prison.[2] Having found caution, however, to appear when called, he and about sixty others were liberated on the 9th August following, partly because the probation against them was not complete, but chiefly because the prisons were crowded.[3] Criminal proceedings were instituted against Sir John, however, before the Court of Justiciary, held at Edinburgh on 27th March and 1st April 1684. The charge against him by Sir George M'Kenzie, Lord Advocate, was the harbouring, receipting, conversing with, and doing favour to rebels and traitors. Sir John appeared in Court with his counsel, and expressed his willingness to abide his trial for the alleged crimes, of which he said he was altogether innocent. The Lords of Justiciary, with consent of the Lord Advocate, for several causes moving them, as it is expressed, deserted the diet simpliciter, whereupon Sir John took instruments.[4] From an account written by Sir John, it appears that the expenses of this prosecution cost him £698, 8s. Scots, including a piece of plate to the Governor of the Castle of Edinburgh.[5]

Sir John did not remain long at liberty. On the 18th of October 1684, he was examined in presence of the Earl of Moray, the Secretary of State, and Sir James Foulis of Colinton, Lord Justice-Clerk, when he admitted that Alexander Porterfield, brother of Duchal, had been in his house at Pollok since his forfeiture after Bothwell Bridge, but denied that he had given any money for the relief of Argyle, although Sir John was asked for £50. This declaration he judicially owned on the 22d of the same month, and at the same time confessed that,

[1] The celebrated test was a long, complex sort of oath, binding the persons taking it to profess the true Protestant religion, as contained in the Confession of Faith, recorded in the first Parliament of King James VI., to acknowledge the King's Majesty to be the only supreme governor of this realm over all persons, and in all causes, as well ecclesiastical as civil; and to hold it unlawful for subjects, under any pretence whatever, to enter into covenants or leagues, or to convene, consult, or determine in any matter of State, civil or ecclesiastical, without his Majesty's special command or express licence.

[2] Fountainhall's Decisions, vol. i. p. 317.

[3] Wodrow's Church History, vol. iii. p. 470.

[4] Original Extract at Pollok.

[5] Original Account at Pollok.

though he had been free of field conventieles, he had repeatedly attended house conventieles sinee the indemnity.[1] The Lords of the Privy-Counеil, therefore, still pursued him for the fines imposed by the Sheriff of Renfrewshire for ecclesiastical offenees. He was eharged to appear before the Privy-Council at Edinburgh, on the 2d Deeember 1684, to hear and see sentenee pronounced against him.[2] On that day he and other Renfrewshire gentlemen were brought from prison to the bar of the Privy-Counеil, eharged with having been present at diverse house and field eonventieles, with having heard deelared fugitive and vagrant preaehers, "those trumpeters of sedition," and with having harboured, reset, and entertained rebels; and with other erimes as in the Porteous Roll indietment already quoted. In aeeordanee with two letters under his Majesty's hand, the libel against the prisoners was restrieted to a peeuniary fine; and the truth of it referred to the oaths of the parties. The Lords of Privy-Council having eonsidered the libel, and the deelarations of the defenders, subscribed and aeknowledged by them upon oath, found them all guilty of the artieles libelled, and now restrieted to an arbitrary punishment, and fined them all in different sums, Sir John Maxwell's fine being, as Wodrow terms it, the "swinging" sum of £8000 sterling.[3]

Although the libel against Sir John Maxwell and his fellow-prisoners eontained all the eharges above mentioned, ineluding even eommunion and intercourse with Hueksion and the Hendersons, and other "bloody and saerilegious murderers of the late Arehbishop of St. Andrews," and though all the artieles libelled were found proved against them, it is obvious that Sir John and the greater part of his fellow-prisoners had no eonnexion either with that aetion or its perpetrators. The imposition of the fine was aeeompanied with the qualifieation, that if £5000 were paid before the 1st of January following, that is, within twenty-eight or twenty-nine days, the other £3000 would be remitted, and Sir John at onee liberated. This was clearly a bait to seeure £5000 at onee, instead of having merely the ehanee of obtaining £8000 afterwards. But the ruse did not suceeed. Sir John Maxwell was either unable or unwilling to pay sueh an enormous sum for what he considered no erime,

[1] Certified Copy Declaration at Pollok.

[2] Original Charge at Pollok.

[3] Sir John was charged by a messenger-at-arms, by virtue of letters of horning, to pay this fine to his Majesty's cash-keeper, within fifteen days from 7th March 1685, under the pain of rebellion, etc.—[Original Charge at Pollok.]

and for what even his enemies must have seen to be a very venial offence at most. He accordingly remained in confinement, and on the 17th May 1685, petitioned the Council that he might be set at liberty to enable him to attend the funeral of his only sister, the Lady Calderwood. They granted him leave till the 2d April, but under a bond for £10,000 sterling, to return on that day.[1] He returned accordingly, and on the 11th September he was again at liberty, under a bond for £8000 sterling, to return on the 12th October.[2] On the 16th February 1686, he wrote to Lieutenant-Colonel Maxwell, to intercede with his Majesty for relief from this extraordinary fine, and from his imprisonment. He gratefully alludes to a visit which the gallant Colonel had paid him in prison, and adds, that he was there for no cause of which either he or his friends need be ashamed, otherwise he would not now have troubled him with the request to intercede with his Majesty in his behalf.[3] In another letter of the same date to Lord Melfort, who was one of the judges when the fine was imposed, he feelingly alludes to his close confinement in such an extremely bad prison as Edinburgh Tolbooth, and reminds his Lordship that he knew perfectly well that the enormous fine was out of all proportion to his estate, and that his faults were very small.[4] Another proof of the virulence with which Sir John was persecuted at this time is found in the fact that even during his confinement, he was, on 20th November 1684, and the 11th November 1686, bound to make his appearance before the Privy-Council under the respective penalties of ten and sixteen thousand pounds.[5]

After remaining in prison for sixteen months, Sir John, in February 1686, petitioned the king for the mitigation of his fine. The petition narrates the criminal indictment against him in the Court of Justiciary, and that after a most exact inquiry and examination of many witnesses, none of the crimes or delinquencies could be proved against him, so that the libel was referred to his own oath, by which he did free himself of all that was laid to his charge, except the concealing of a proposal made to him by Sir John Cochrane, about January 1683, for £50, to be given to the late Archibald Campbell, sometime Earl of Argyle, and his conversing

[1] Original Bond at Pollok.
[2] Wodrow's Church History, vol. iv. pp. 142, 143, 212. Fountainhall's Decisions, vol. i. p. 317.
[3] Original Letter at Pollok.
[4] Original Letter at Pollok.
[5] Original Bonds and Extract Act of Council at Pollok.

with Alexander Porterfield, who was forfeited for taking part in the rebellion of 1666, and his being present at some house conventicles, for which he was, in 1684, fined £8000 sterling, and for non-payment thereof had ever since continued in prison; and since the said proposal was never made to him but once, at the making of it he was very much surprised, wondering how they could expect such a sum from him, and that he peremptorily refused to grant it, and that he did not conceive it to be a crime to conceal that demand, as he could in conscience declare that he believed it to be made merely for the present sustenance of the said Archibald Campbell, not having heard of any plots or conspiracies then being carried on by him or Sir John Cochrane; and seeing that he never conversed with Alexander Porterfield till many years after his forfeiture, when he openly attended churches and markets and courts of law, and conversed with the officers and soldiers of the standing forces, and that being nearly related to him, he was thus led to converse with him by a common mistake; and seeing that he detested and abhorred all disloyal principles and practices, and that he was ready and willing to venture in his Majesty's service his life and fortune; and seeing that his free estate was not worth the half of the fine imposed upon him; he therefore beseeches his Majesty to take the matter into his royal consideration, and to take such course with him regarding the said fine as in his goodness he should think fit.[1]

Sir John was not finally released from prison till March 1687, when he went to London to endeavour to procure some abatement of his fine.[2] He was successful, and, in a letter dated on 9th May following, alludes to his Majesty's justice and goodness to the lieges in general, and writes hopefully concerning himself.[3] His hopes were not entirely disappointed, though not realized in the manner which he might have anticipated. The Revolution took place, and when William and Mary ascended the throne vacated by James II. in 1688, Sir John was relieved of the fine imposed upon him by the previous Government;[4]

[1] Draft Petition at Pollok. In his account-book, Sir John notes, on 9th October 1685, that he paid to the good man of the Tolbooth for jailor fees £173, besides servants, preceding the 12th of that month, when he was to re-enter.—[Original at Pollok.]

[2] Vol. ii. p. 341.

[3] Original Letter at Pollok.

[4] On the 14th February 1693, the Lords of Privy-Council ordered the letters of horning raised against him, upon a decreet of the then Privy-Council, dated 2d December 1684, whereby he was fined in the sum of £8000 sterling for alleged Church disorders, to be delivered up to him.—[Regist. Secreti Concilii-Decreta, 14th Feb. 1693. Fol. 184.] Sir John, in the beginning of the same month, raised letters of suspension of the charge to pay the fine.—[Original Letters at Pollok.]

and was successively appointed to offices in the State corresponding to his merits. He was made a Privy-Councillor by King William in 1689, and in the same year represented the county of Renfrew at the Convention of the Estates.[1] He represented the county of Renfrew in Parliament from 1690 to 1693, in the years 1695 and 1696, and again in the year 1698.

Higher honours and places of greater trust awaited Sir John. In all the responsible positions which he occupied after the Revolution, his loyalty, integrity, diligence, and activity, were apparent to all; and, as a mark of his high appreciation of his conduct, the King, in the beginning of the year 1696, appointed him one of the Lords of the Treasury and Exchequer in Scotland.[2] Referring to this appointment, the Earl of Portland, Secretary of State, wrote to Sir John Maxwell on the 7th April 1696, that it was solely owing to his Majesty's choice, and the high opinion he had of Sir John's zeal for his service, and of his moderation and honesty; and that he himself heartily rejoiced at the justice thus done to him, and would always be his friend.[3] Sir John Maxwell had now great influence with the Government, and was frequently applied to by his friends for advice and assistance in forwarding their interests. When he was in London in February 1695, Archibald, Bishop of the Isles, wrote to him about the recovery of the rents of his bishopric, very little of which he had drawn during his incumbency, stating that the Lord Advocate had drawn up an address to his Majesty on the subject, and asking Sir John to use his influence for the furtherance of its object. The address he enclosed, and asked Sir John to deliver it to Johnston, Lord Secretary; and by way of securing his Lordship's attention, he adds,—"His Lordship and Sir John Coupar of Gogar, my wife's father, are grandchildren to the famous and learned Skeen, who wrot *De Verborum Significatione*, and which was printed with the Acts of Parliament, which you may be pleased to signifie."[4] Sir John was frequently consulted by the Government upon the filling of vacancies among the Lords of Session, and upon Scottish affairs generally. In 1696, he wrote to the Earl of Portland, making valuable suggestions as

[1] As one of his Majesty's Privy-Council for Scotland, Sir John Maxwell, on the 23d June 1690, granted a pass to his wife, Marion Stewart, and her sister, Lilias Stewart, with her maid-servant and three men-servants, to go to Scarburgh-wells, in England, and to return at their convenience.—[Original Pass at Pollok.]

[2] Vol. ii. p. 98. By grant under the Privy-Seal, King William gave Sir John Maxwell, as a Lord of the Treasury, the yearly pension of £500 sterling.—[Original at Pollok, dated 6th February 1696.]

[3] Vol. ii. p. 99.

[4] Original Letter at Pollok.

to the appointment of the President of the Court of Session, which office was then vacant;[1] and, in December following, Mr. William Carstares wrote to Sir John from London, that he should like to hear more frequently from him, as he was one whose thoughts would have weight there.[2] On the 2d March 1697, Sir James Ogilvie, Secretary of State for Scotland, wrote to ask him for a statement of the time during which the funds could maintain the forces ;[3] and in April following, Chancellor Polwarth requested him, as a favour, to attend in Edinburgh for the despatch of public business.[4] Sir John's services were not overlooked. A vacancy having occurred on the bench of the Court of Session by the death, on 27th April 1698, of Lord Newbyth, Sir John was made an ordinary Lord of Session, and took his seat on the 17th of February 1699, by the title of Lord Pollok. The office of Lord Justice-Clerk having become vacant by the appointment of Adam Cockburn of Ormiston to be Treasurer-Depute, he was, on the 6th of the same month, appointed to the office of Lord Justice-Clerk.[5] Some misunderstanding arose as to this appointment, and Viscount Seafield, Secretary of State for Scotland, wrote to Sir John that he was sorry to find from his letter that he was under some mistake as to the favours his Majesty intended for him, that his Majesty had signed his commission as Lord Justice-Clerk, and as one of the Lords of Session, and that the whole matter had been thus arranged for his special advantage.[6] Sir John, on the 14th of the same month, replied that he acknowledged with all dutifulness his Majesty's royal favour in promoting him to two such important offices, and that he hoped his Lordship would forgive him for the mistake into which he had fallen concerning the matter.[7]

After the death of King William in 1702, Lord Pollok was nominated one of the Commissioners for considering the treaty of the Union between Scotland and England. He loyally and readily accepted the commission, and their first meeting was appointed to be held on the 27th of October of that year.[8] Matters now took a turn, however, rather unfavourable to Sir John, and many

[1] Vol. ii. p. 102.
[2] Vol. ii. p. 104.
[3] Vol. ii. p. 104.
[4] Vol. ii. p. 105.
[5] Original Commission at Pollok. As Justice-Clerk, Sir John Maxwell got a pension of £400 sterling by grant from King William, dated 6th February 1699. —[Original at Pollok.] This commission was sealed on 14th, and read and recorded in the Books of Adjournal the 21st days of February 1699. Vol. ii. pp. 114-116; Senators of the College of Justice, p. 470; Fountainhall's Decisions, vol. ii. p. 43.
[6] Vol. ii. p. 116.
[7] Vol. ii. p. 117.
[8] Vol. ii. p. 120.

of his political friends. The Queen continued to favour the church party in England, and changes were made which showed that her inclinations were more towards the Episcopalians than the Presbyterians in Scotland. Sir John Maxwell was removed from the office of Lord Justice-Clerk, and was succeeded in that office by Mr. Roderick Mackenzie of Preston Hall in the year 1703.[1] He, however, retained his seat as an ordinary Lord of Session till his death, and continued to act in the commission for the Union of the two kingdoms; and when the Union was finally accomplished in 1707, he was nominated a member of the new commissions for constituting a Privy-Council and the Court of Exchequer in Scotland, in terms of the Articles of Union.[2]

Queen Anne, by patent dated 27th March 1707, extended the limitation of heirs to succeed to the title of knight baronet to the heirs of entail succeeding to Lord Pollok in his estate of Pollok.[3]

Next year, when a civil war was imminent, and a French army threatening to descend on the Scottish shores, Lord Pollok was very active in getting together a meeting of the leading gentry of Renfrewshire, by whom, at his suggestion, a loyal address was forwarded to the Queen.[4]

Besides his public and salaried offices, Lord Pollok undertook others of an honorary nature. On the 25th July 1690, he was nominated one of the Commissioners for visiting the University of Glasgow, and all the schools in which Latin was taught within the Sheriffdoms of Lanark, Renfrew, Bute, Argyle, Dumbarton, Dumfries, Wigton, and Ayr, and the Stewartries of Annandale and Kirkcudbright; and the oaths were administered to him on the 7th of August following. One of the duties of the Commissioners was to insure that all professors and masters subscribed the Confession of Faith, and took the oath of allegiance.[5]

On the 2d of March, in the following year, Lord Pollok was chosen Lord

[1] Mr. Mackenzie's patent for the office is dated 1st December 1702. But Lord Pollok did the duties and drew the salary for the half-year from Martinmas 1702 to Whitsunday 1703.—[Vol. ii. p. 19. Senators of the College of Justice, p. 474, and the Lockhart Papers, vol. i. p. 51.] Lord Pollok's houses in Edinburgh can still be traced from the rent receipts. In 1708, he occupied a house at the back of the cross in the stone land, immediately below the Fishmarket Close. From 1710 till 1720, his Lordship rented a house from Sir James Steuart, Lord Advocate, and his relict. This house is called a great lodging or tenement of land, on the north side of the street opposite to the Luckenbooths. The next house occupied by Lord Pollok, or for him, was in Blair's Stairs, in the Parliament Close, from 1721 to 1730, which was within two years of his death.—[Rent Receipts at Pollok.]

[2] Vol. ii. p. 121.

[3] Vol. i. p. 348.

[4] Vol. ii. pp. 122, 123.

[5] Munimenta Alme Universitatis Glasguensis, vol. ii. pp. 495, 497, 500, 503; vol. iii. 593.

Rector of Glasgow University, and he seems to have held that office for the long period of twenty-seven or twenty-eight years. His first election in 1691 was, according to the ancient statutes of the University, by the votes of the students; but as it was considered improper to assemble the students annually for that purpose during those troublous times, it was agreed that in future the Senatus alone should have the election or appointment of the Lord Rector. And this was the form of Lord Pollok's next appointment on the 1st March 1692. In the same manner, his continuance in office was confirmed, and is recorded yearly up till 1695, and again from 1702 till 1717.[1] There is no record of the elections of Rectors between the years 1695 and 1702; but as Lord Pollok signed a bond as Rector on the 21st April 1696,[2] and acted in the same capacity at the admission of Principal Stirling on the 18th September 1701, and as there is no mention of any other Rector during that period, Lord Pollok must have been Rector during this time, and so held the Rectorship for twenty-seven consecutive years.[3] Throughout this long period he was most attentive to the interests of the University, as well as kind and courteous to its individual members. He presided regularly at the meetings of the Senatus, and attended to the interests of the students, guarding their privileges most anxiously.[4] For example, on the 20th February 1711, he demanded the repayment of some fines which the magistrates of Glasgow had imposed upon some students of the University, who, he declared, in no way belonged to their jurisdiction, maintaining that the magistrates would be liable for damages if they did not return the fines.[5] His position as Lord Rector of the Glasgow University necessarily brought Lord Pollok into communication with many learned and able men; and one instance of that ought to be mentioned here, as the connexion gave rise to a correspondence which is printed among the letters in the second volume. We allude to the case of Dr. Cotton Mather of Boston, New England. The Senatus conferred on him the degree of Doctor of Divinity on 25th May 1710, and Lord Pollok, in his official capacity, signed the diploma and forwarded it to the doctor, which called

[1] Munimenta Alme Universitatis Glasguensis, vol. iii. pp. 328-336.

[2] *Ibid.* vol. i. p. 446.

[3] *Ibid.* vol. iii. p. 597.

[4] Lord Pollok made a valuable donation of books to the University library.—[Munimenta Alme Universitatis Glasguensis, vol. iii. p. 437.]

[5] Munimenta Alme Universitatis Glasguensis, vol. ii. p. 400.

forth the letter No. 359, Vol. ii, and gave rise to the further correspondence contained in Nos. 361, 362, and 364 of Vol. ii.

In 1717, a number of the professors, feeling dissatisfied with the nomination of the Rector by the Principal, and his election by the Senatus, combined to procure the restoration of the old custom of electing the Rector by the votes of the Four Nations, according to the ancient statutes of the University. The result was, that the Senatus, by a majority, refused to re-elect Lord Pollok for that year, and on the 1st March held a meeting of the students, took their votes, and declared Mr. William Mure of Glanderston to be duly elected Rector. This election, however, was declared to be invalid, and Lord Pollok was re-elected Rector on the 11th November.[1] The friends of Lord Pollok were much distressed at this unseemly struggle. Principal Stirling, in giving him an account of the proceedings of the faction, 1st March 1717, said that his heart was so full that he did not know how to express himself, when he considered how ungratefully and unworthily his Lordship had been treated by these men, all of whom owed their places to his goodness, which they had wretchedly abused. They had affronted the College, he added, and made it a reproach; and their unaccountable behaviour had given him the deepest wound he had ever received with respect to University affairs: and he expressed a hope that the Duke of Montrose, to whom he had written on the subject, would resent the indignity.[2] The Duke, who was Chancellor of the University, wrote to Lord Pollok, on 12th March 171$\frac{6}{7}$, a letter of sympathy.[3] The Earl of Haddington also, whose son had taken a prominent part in the movement for the new Rector, wrote to Lord Pollok, apologising for his conduct.[4]

This combination does not appear to have been directed against Lord Pollok personally, but rather against the mode of election which had been adopted, which gave the Principal almost unlimited power in the matter, and might be greatly abused. In fact it was quite easy for the Principal, if he so chose, to give in at every election, a list of three persons, of whom only one was practically eligible, thus leaving the Masters no choice in the matter. Whether this power had or had not been abused during Lord Pollok's Rectorship, either

[1] Vol. ii. p. 366. Munimenta Alme Universitatis Glasguensis, vol. iii. pp. 334, 335.

[2] Vol. ii. p. 366.

[3] Vol. ii. p. 368.

[4] Vol. ii. p. 368.

by Principal Stirling or his predecessor, Principal Dunlop, does not appear. In the following year, Lord Pollok, weary of being mixed up with such dissensions, finally demitted his Rectorship on the 20th October 1718.[1]

With his brother-in-law, Sir James Steuart, Lord Advocate, Lord Pollok lived on the most intimate terms. When the Lord Advocate was dying, he wrote, a few days before his death, a farewell letter to Lord Pollok, the signature to which shows his trembling hand.[2] The letter contained the solemn blessing of the writer on Lord Pollok and his family. His Lordship repaired to Edinburgh, and stayed with the Advocate for several days, to take his farewell of him. The affectionate interview between these life-long friends is detailed by Wodrow in his Analecta.

During the latter years of his life, Lord Pollok kept up a constant communication with Dr. Cotton Mather of America through the medium of Mr. Wodrow, minister of Pollok, who had been introduced to the Doctor, when the degree of D.D. was conferred on him in 1710.[3] The correspondence was regularly kept up, and Mr. Wodrow's letters to the Doctor furnish some interesting incidents connected with the latter portion of Lord Pollok's life. Thus, on the 8th of April 1718, Mr. Wodrow, in writing to the Doctor, tells him that his "Malachi," and its companions, were most acceptable to Lord Pollok, who had returned to his country-seat of Pollok some weeks before; that his Lordship had entered into his seventieth year; that he was very much refreshed by the Doctor's letter, and sent his best respects to him and his venerable father; and that his Lordship was very much weakened through his close and conscientious application to the business of the nation. From the same source we learn that Lord Pollok was in good health, and at his work in Edinburgh on 29th January 1719, and that his commands still were to give his kindest respects to the worthy American divine. On the 16th March 1723, Lord Pollok came to Pollok from Edinburgh along with Mr. Wodrow; and on 29th July 1724, he was again in Edinburgh at his public work, and now towards the end of his race, as he was born in January 1648. On 12th February 1728, my Lord Pollok was now turned

[1] Vol. i. p. 377. Memorial for Dr. Traill, p. 21, as quoted in Munimenta Alme Universitatis Glasguensis, preface, p. lxv.

[2] Vol. ii. p. 64.

[3] Vol. ii. p. 359.

weak and unable to attend to his duties in Edinburgh that winter. And on 24th September 1730, Mr. Wodrow writes: "My Lord Pollok has been with us at our communion, and in church every Sabbath since. It is wonderful to see him so well when pretty near eighty."[1]

Lord Pollok was, in religion, as we have seen, a strict Presbyterian, as his ancestors had been since the Reformation, and was for many years an elder in the session of the parish of Eastwood. In the year 1727, he presented the congregation and session with four handsome silver communion cups, which are thus acknowledged in a minute of the session, dated 7th June 1727:—

"The which day the minister acquainted the session that Sir John Maxwell of Nether Pollok, Baronet, one of the Senators of the College of Justice, had been pleased, out of his regard to the congregation and session, whereof he hath been ane useful member these twenty-two years, generously to gift four handsome silver communion cups to the session, to be used at the dispensation of the Sacrament of the Lord's Supper, with this inscription above his Lordship's coat-of-arms:—

'Deo et ecclesie parochiali de Eastwood sacravit Dominus Joannes Maxuell, 1727,'

with a box of wainscoat for keeping them, and that my Lord Pollok had sent them to the minister. They were produced. The session desired the moderator to return their humble thanks to his Lordship for this valuable testimony of his regard to the parish and them."[2]

These cups were carefully preserved and used at communions till a few years ago, when the manse in which they were preserved was broken into by thieves, and the cups were stolen. New communion cups were then presented by the present Sir John Maxwell.

Marion Stewart, Lady Maxwell, predeceased her husband, Lord Pollok. She was indisposed for some time previous to her death. In a letter to Mr. Wodrow, dated at Edinburgh, 22d December 1705, his Lordship says that his wife's "cough and defluxion and hoarseness doth much continue, so that she is really very crazie. I wish God may preserve her, and give her more strength."[3] Lady Maxwell, however, died in the following year, and was interred in the Coltness burying-ground, in the Greyfriars' Churchyard, Edinburgh. Lord Pollok survived her for twenty-six years, and died at Pollok, on 4th July 1732.

[1] Wodrow Correspondence, vols. ii. and iii.

[2] The cost of the cups was £292, 4s. Scots. [Account at Pollok.] By his latter will, his Lordship also left 500 merks to the poor of the parish of Eastwood, which was paid over to the kirk-session by Sir John, his successor, in October 1732.—[Records of the parish of Eastwood, vol. ii.]

[3] Letters from Lord Pollok to the Rev. Robert Wodrow, 1703-1710, small 8vo. edition, Edinburgh 1835, pp. 16, 17. A few of Lord Pollok's letters, along with others, were printed by the same editor in 1829.

Having no children, he was succeeded in his estate and title of baronet by his cousin-german, John Maxwell, only surviving son of his uncle Zacharias Maxwell of Blawarthill.

Mackay, who was a contemporary and an opponent, notices shortly in his memoirs Lord Pollok. He says,—

"Sir James [John] Maxwell of Pollok was, in the reign of King Charles and King James, a great supporter and entertainer of the prosecuted Presbyterian clergy."

"He is a very honest gentleman, of no extraordinary reach, zealous for the Divine right of Presbytery, which hurries him often to do hard things to men of less confined principles, thinking it doing God good service. He is a very fat, fair man, towards sixty years old."[1]

This testimony to the uprightness of Lord Pollok is the more remarkable as coming from one who was opposed to him in all his views, and who rarely bestows praise even on those of his own party.

Lord Pollok, thus highly spoken of by his enemies, was held in great estimation by those who had better opportunities of studying his character. Dr. Mather, already mentioned, styles him one of the best of men, who, he prayed, might be continued a blessing to a world which had few such men to boast of.[2] Wodrow the historian, Lord Pollok's own parish minister, says of him while still living, "he is a gentleman of good quality, and of a very old family, as well as of shining integrity, probity, and piety. He is yet alive, and his own modesty, and my relation to him, forbids me to say what I could and would of him. An heart-regard for the Presbyterian interest, as well as a bright pattern of suffering for a good conscience, was handed down to him by his excellent father, Sir George Maxwell, whose noble example it is his care most closely to follow."[3] Dr. Burns, the biographer and editor of Wodrow, characterizes his Lordship as a man of great vigour of mind and exalted piety.[4]

[1] Memoirs, pp. 226, 227.
[2] Wodrow Correspondence, vol. ii. p. 425.
[3] Wodrow's Church History, vol. iv. p. 141.
[4] *Ibid.* vol. i. p. iii.

XVIII. (2.)—Sir John Maxwell, third baronet, 1732-1752.
Lady Anne Carmichael, first wife, 1709-1720.
Barbara Stewart, second wife, 1727-1737.
Margaret Caldwell, third wife, 1739-1758.

John Maxwell was the eldest surviving son of Zacharias Maxwell of Blawarthill, who was the immediate younger brother of Sir George Maxwell of Pollok. He was born in the year 1686, and succeeded his cousin, Lord Pollok, in his estates of Pollok, and in his title of baronetcy in 1732. Like Lord Pollok, he was educated for the legal profession. He gave in a petition, in the usual form, to the Court of Session, for a remit to the Dean and Faculty of Advocates to be tried as to his qualifications, and was admitted as an advocate in the month of November 1707.[1] Soon after this, and on 8th April 1709, he married Lady Anne Carmichael, third and youngest daughter of John first Earl of Hyndford. Their contract of marriage is dated the same day. Lord Pollok thereby agreed to provide his lands and estate of Pollok, failing heirs of his own body, to the heirs-male of the marriage; whom failing, to the heirs-male of any other marriage, and to the other heirs therein mentioned. In the event of Lord Pollok having sons succeeding to him, it was provided that he should pay to his cousin, and the heirs of the marriage, the sum of £24,000 Scots. Lady Anne Carmichael was to be infeft in liferent in the House of Haggs. The Earl of Hyndford gave with his daughter a tocher of £10,000 Scots.[2]

On the occasion of this marriage, which was promoted by Lord Pollok, he consulted James Stewart, younger of Blackhall, who, on the 14th March 1709, wrote to him that he had chosen a good family, one that was honourable as well as orthodox, that the lady's tocher was good, and the provision he, Lord Pollok, was making for their entertainment, handsome, and such as he could easily spare.[3] The marriage, thus carefully arranged, was a happy one for the families of Pollok and Hyndford. Soon after the marriage, Mr. Maxwell and his wife paid a visit to her father at Carmichael. Lord Pollok was invited at the same time; Lord Hyndford saying that he would find the way very good, and get a most hearty welcome.[4]

[1] Original Petition at Pollok.

[2] Records of the parish of Eastwood, vol. i. Original Contract at Pollok.

[3] Vol. ii. p. 355.

[4] Original Letter at Pollok.

Lady Anne Carmichael wrote to Lord Pollok a few days after the above letter, expressing the same attachment to his lordship as to her own parent.[1]

Two sons and two daughters were the offspring of this marriage. They will be afterwards noticed. Lady Anne Carmichael died about the year 1720, survived by her husband.

After remaining a widower for about seven years, Mr. John Maxwell, in 1726, entered into an arrangement with Lord Pollok in reference to a future marriage, and the disposal of the Pollok estates. This arrangement was made in the form of an obligation by Mr. Maxwell. It narrates that Lord Pollok had considered the welfare and standing of his family and estate, and was "now far come in yeares;" and also, "ther being but only one boye come of the said John Maxwell of Blawert, and that the said Sir John Maxwell hath many tymes, and with great earnest, desyred that I should marie some honest gentlewoman of good reputation, and come of some honest family, and for that end did name , and if that person were not acceptable to me, then he was pleased to leave it to myself to choose such a person as should satisfie myself of the qualification and familie above designet. And now in reguard of my continuance in widowehood for seven years, or thereby, and for the satisfaction of the said Sir John Maxwell, doe heirby obleis myself, that once betuixt the date heirof, and half a year next ensueing, I shall aither determin my self to marie some fitting person in the terms above writtin, or heirby consents that after the forsaid terme is elapsed, that he shall dispose of the fie of his whole heretable estate to my son John Maxwell, begott tuixt me and Ladie Anne Carmichall, and failzeing him by decease, to any other aire maile begoten of my bodie in any other lawfull mariage, and which all failing, to any other heires quhatsomever he pleases."[2]

Following out this arrangement, John Maxwell of Blawarthill married, secondly, in August 1727, Barbara, eldest daughter of Mr. Walter Stewart of Wester Polmaise, or Stewarthall, in the county of Stirling, Advocate, Solicitor-General for Scotland, and second son of Sir Archibald Stewart of Blackhall, Baronet.[3] Their contract of marriage is dated the 23d and 26th August 1727; and provides that Lord Pollok and Mr. Maxwell, the intended husband, should

[1] Original Letter at Pollok.
[2] Original Draft Obligation at Pollok.
[3] Records of the parish of Eastwood, vol. i.

secure Barbara Stewart in a yearly liferent provision of £150 sterling after the decease of her husband, by infefting her in the lands of the Mains of Haggs, Bellahouston, the Mains of Catheart, and part of Langside: On the other part, Barbara, with consent of her brother, Archibald Stewart, assigns to John Maxwell, her future spouse, her bonds of provision for 7000 merks Scots and £1000 respectively.[1] Wodrow, under date 23d August 1727, says, with regard to this marriage, that it took place on the 23d of this month at Edinburgh; that it was a settlement, with the good-liking of all, most comfortable to the good old Laird of Pollok, and a very great ease to his mind in his old age.[2]

Much against his inclination, Mr. Maxwell was, in the following year, involved in the troubles of a disputed election of a Lord Rector for Glasgow University. In 1727, for some reason, not explained by the records of the University, there had been a double election of James Hamilton of Aikenhead, and the Master of Ross. The former, however, did the duties of the office, and the Master of Ross was not allowed to take part in the business of the University.[3] In the following year, 1728, there was a fresh contest for the office between the Principal's party and the students' party; the Master of Ross being the candidate proposed by the former, and Mr. Maxwell of Blawarthill the candidate supported by the latter. Although Mr. Maxwell gave no encouragement to the movement in his favour, there was a large majority for him in several of the nations. But, according to Wodrow, the boys were so cajoled, closeted, threatened, and flattered, that the Master of Ross's election was carried by a majority of about fifty.[4]

On the death of Lord Pollok on 4th July 1732, Mr. Maxwell of Blawarthill succeeded his Lordship in the Barony of Pollok, and in the title of Knight Baronet, in terms of the extended limitation to the heirs of the estate, as contained in the patent of Queen Anne, dated 27th March 1707. Mr. John Maxwell thereupon adopted the style and designation of Sir John Maxwell of Pollok, Knight-Baronet. On 13th October 1732, he expede a special service before the Sheriff of Renfrewshire, and an inquest as nearest heir-male and of line of Lord Pollok, in the barony of Pollok, the lands of Yoker and Blawart-

[1] Extract Contract at Pollok.

[2] Analecta, vol. iii. p. 437.

[3] Munimenta Universitatis Glasguensis, vol. ii. p. 433, and vol. iii. p. 346.

[4] Wodrow's Analecta, vol. iv. p. 18.

hill; also in Haggs, Govanshiels, Titwood; in the lands of Meikle Govan, and salmon-fishings in Clyde; in the five-merk lands of Auldhouse, and merk land of the church lands of Eastwood, called Broomland, alias Bruntfield; also in the lands of Cowglen,[1] Pottertoun, Deaconsbank, and Over Darnley, and Langside, Merrylee, and Tankerland, and others.[2] Sir John Maxwell was infeft in the barony of Pollok and the other lands on 3d November 1732.[3]

Sir John Maxwell, like his cousin, Lord Pollok, was an elder of the Church of Scotland, and a member of the kirk-session of Eastwood; and immediately after his succession to the Pollok estates took a prominent part in parochial and ecclesiastical business. On 20th October 1732, he was present at a meeting of session when it was agreed,—

"That for the preventing of unseasonable drinking in the paroch, that the minister should give an advertisement out of the pulpit, discharging all persons from selling of liquours, or keeping company in their houses after ten o'clock at night, under the pain of having the penalties appointed by law inflicted upon them; and because in the town of the Shaws there are the greatest temptations this way, Sir John Maxwell was desired to prohibit all that keep public houses there to entertain any persons at unseasonable hours; and after the drum beat at ten of the clock at night, to dismiss all company that are not lodgers, and to sell no liquors to people in their houses, or others, after that time, excusing sick persons, or the like necessary cases, under what penalties he judges proper, which he cheerfully engaged to do. After these intimations are made, the session appoint one of the elders in the Shaws, with any they shall please to take with them, to visit the public houses, after ten of the clock at night, frequently, and as often as they find cause, and see if these orders are punctually kept; and where they find them contravened, to inform the minister and session. The session allows all the keepers of public houses, when company refuses to leave their house after ten at night, to acquaint one or two of the elders, who are hereby required to go to the house and require the company to dismiss personally, which if they do not, they are to inform the Session of their contumacy."[4]

In the year 1743, Sir John Maxwell purchased the patronage of the parish of Pollok or Eastwood from the tutors of the Earl of Dundonald.[5] Sir John took a great interest in all that related to the well-being of the parish, and appears to have made this purchase for the good of the parishioners. The parish has had the advantage of very able clergymen. Two of them, Mr. Mathew Craufurd and Mr. Robert Wodrow, were historians of the Church.

[1] By decreet-arbitral on submission between William Duke of Montrose and Sir John Maxwell, thirty-five acres of the south-west part of Magdalene muir, adjoining Cowglen, were set apart with march stones, in full recompense of Sir John's servitude on the muir.—[Extract-decree, dated 27th October 1744, at Pollok.]

[2] Extract Retour at Pollok.

[3] Original Instruments of Sasine at Pollok.

[4] Records of the Parish of Eastwood, vol. ii.

[5] Original Sederunt-book at Pollok.

Barbara Stewart, Lady Maxwell of Pollok, lived about ten years after her marriage to Sir John Maxwell, and bore to him three sons and four daughters, to be afterwards mentioned. After her death, Sir John Maxwell married, thirdly, on 27th December 1739, Margaret, daughter of John Caldwell of that Ilk. Their contract of marriage is dated the same day, and by it Sir John Maxwell binds himself to infeft her in liferent in the mansion-house of Haggs, and in the mains and causeyhead of Cathcart, and she, on the other hand, assigns to him in name of tocher the sum of 5000 merks.[1]

Sir John Maxwell did not pursue his profession of a lawyer for any length of time. He seems to have resided chiefly in the country, where he led a retired life, attending to his family affairs and estates. His name does not often occur in connexion with public events.

In 1751, Sir John Maxwell was elected Rector of the University of Glasgow,[2] an office which was long held by his cousin, Lord Pollok, by his uncle, Sir George Maxwell, and by his grandfather, Mr. John Maxwell of Auldhouse.

It was in the time of this baronet that the present mansion-house of Pollok was built. The architect is presumed to have been Mr. Adam. An old account, recently found, shows that he was consulted in the year 1737. On the 2d July of that year, the agent in Edinburgh of Sir John Maxwell charges 2s. 6d. for "Incidents with Mr. Adams," anent the draught of his new house. A similar sum was paid to "Mr. White, his principal servant that draws to him;" and also the sum of 8d. for a white iron case that holds the draught.[3] After the lapse of ten years from the furnishing of the draught-plan by Mr. Adam, the house was commenced, probably in terms of his plan, in the year 1747, and finished in the year 1752. Sir John only inhabited the new house for about two months previous to his death, which took place there on the 24th December 1752.[4] From that time the old castle of Pollok, which, as already mentioned, was rebuilt by the Bishop of Orkney about the year 1530, was allowed to become ruinous. Part of its materials, indeed, were used in building the new mansion.[5]

By Lady Anne Carmichael, his first wife, Sir John Maxwell had two sons and two daughters :—

[1] Records of the Parish of Eastwood, vol. i.—Original contract at Pollok.

[2] Scots Magazine, vol. xiii. p. 551.

[3] Original Accounts at Pollok.

[4] Scots Magazine, vol. xiv. p. 318.

[5] Semple's edition of Craufurd's History of Renfrewshire, pp. 189, 190.

1. John, the eldest, was born on 6th March 1719,[1] and he died in infancy.
2. John, second son, who succeeded his father in Pollok.
3. Marion, died young and unmarried in September 1737.[2]
4. Beatrix, born on 20th April 1716.[3] In the Pollok family she was commonly called "Lady Betty." She became the only surviving child of Lady Anne Carmichael; and, on the 3d of October 1758, shortly after the death of her only brother-german, Sir John Maxwell, Beatrix Maxwell, as his apparent heir of line and executrix-at-law, disponed to her brother consanguinean, Sir Walter Maxwell of Pollok, and the heirs-male of his body, all subjects heritable and moveable falling to her by the death of her brother Sir John, and that, in order to carry out his wishes as to the destination of the property.[4] On the 30th of the same month, and for the same reason, she assigned to Sir Walter the contract of sale of the estate of Crookston and Darnley between her late brother and William Duke of Montrose.[5] She expede a service as heir in general to her brother on 18th October 1758. By her will, which bears date 26th November 1764, she left the liferent of the 25,000 merks of portion assigned to her by Lord Pollok to Jean Maxwell, her sister, relict of James Montgomerie of Lainshaw, and after her death, the whole sum to her brother, Sir James Maxwell of Pollok, and his heirs.[6] On the 12th February 1780, she made another will, bequeathing to her sister Jean in liferent, and her brother Sir James, and the heirs succeeding to him in the estate of Pollok, in fee, the sum of 25,000 merks Scots, being the portion due to her by the bond of the late Sir Walter Maxwell, her brother; and leaving the residue of her estate to her sister Jean exclusively; and revoking all other wills.[7] Miss Maxwell and her sister, Mrs. Montgomerie, resided at Auldhouse, where, according to the account of the then clergyman of the parish of Eastwood, to be afterwards quoted, they were a blessing to the neighbourhood. Miss Maxwell died at Auldhouse 5th April 1795, in the 79th year of her age, unmarried.[8]

By his second wife, Barbara Stewart, Sir John Maxwell had three sons and four daughters:—

5. George, born 17th November 1729.[9] Wodrow says Mr. Maxwell's lady was happily delivered of a son on this day about ten of the clock; that he baptized him under the name of George, and that it was a great comfort to my Lord Pollok to have his family strengthened by two sons, and to see a child named after his worthy and excellent father, Sir George Maxwell.[10] On the 2d January 1752, George Maxwell witnessed a contract betweeu his half-brother, Sir John Maxwell of Pollok, and Dame Margaret Caldwell, the widow of their father, in which he is designated second son of the late Sir John Maxwell.[11] Like his father, George Maxwell was educated for the law, and he became an advocate at the Scotch bar. He was well skilled in engraving, as appears from a copper dial-plate

[1] Records of the Parish of Eastwood, vol. i.
[2] Diary of Sir John Maxwell at Pollok.
[3] Records of the Parish of Eastwood, vol. i.
[4] Original Disposition at Pollok.
[5] Original Assignation, *ibid.*
[6] Original Will, *ibid.*
[7] Original Will at Pollok.
[8] Scots Magazine, vol. lvi. p. 373, and Information of Sir John Maxwell of Pollok, 1863.
[9] Records of the Parish of Eastwood, vol. i.
[10] Wodrow's Analecta, vol. iv. p. 92.
[11] Original Contract at Pollok.

upon a pillar of stone wreathed work fixed upon a pedestal in the principal alley of the garden at Pollok, where two alleys crossed, with the family crest, a stag's head, and motto, "I am ready," neatly engraved; also the thirty-two points of the mariner's compass, with all the letters and figures thereto belonging. Upon the south side, below the crest, is engraved, signed, and dated thus: "George Maxwell, sculptor, 1746, Lat. 55.55."[1] Mr. George Maxwell obtained from his father the lands of Blawarthill, and he was designated of Blawarthill. His brother Sir John also made over to him the lands of Yoker and others, by disposition, dated 12th November 1753.[2] He died in July 1758, unmarried. On 17th November 1762, Sir Walter Maxwell granted a bill for £100 to Walter Stewart, in payment of a legacy left to him by his brother George Maxwell.[3]

6. Walter, who succeeded his brother consanguinean, Sir John Maxwell in the Pollok estates and title of baronet.
7. James, who succeeded his brother Sir Walter and his infant son Sir John.
8. Annabella, born 15th September 1728.[4] She died young, and unmarried.[5]
9. Barbara, born 23d January 1733, as appears from a letter of that date from her father to Robert Alison, writer in Edinburgh, his agent, informing him that early that morning his wife had been safely delivered of a daughter, whom he had named after her mother.[6] Barbara Maxwell appears to have died young, and before 24th June 1736, when another daughter of her parents was baptized with the same Christian name of Barbara.
10. Jean, born 27th December 1733.[7] On the 29th of August 1757 she married James Montgomerie of Lainshaw,[8] who died in 1767 without issue. She survived her husband, and in her widowhood was affianced to Alexander tenth Earl of Eglinton. A miniature of his lordship, which was presented by him to Mrs. Montgomerie, descended as an heir-loom to the present Sir John Maxwell, who presented it to the late Earl of Eglinton and Winton when on a visit at Pollok. Mrs. Montgomerie purchased the property or *dominium utile* of the old family estate of Auldhouse, from Robert Wardrope of Auldhouse. It was acquired by his father, Mr. John Wardrope, bailie of the regality of Glasgow, from the Maxwells of Auldhouse, or their immediate successors. Mrs. Montgomerie and her eldest sister, Miss Maxwell, resided at Auldhouse. The Reverend Stevenson M'Gill, minister of Eastwood, afterwards Professor of Divinity in the University of Glasgow, in his account of the parish published in 1796, gives a favourable notice of these ladies, "whose residence," he says, "diffuses blessings on their neighbourhood, and who are the distinguished, though unaffected examples of every virtue and of every duty."[9] Mrs. Montgomerie died about the year 1801. She left the estate of Auldhouse to her nephew, Sir John Maxwell of Pollok, from whom it came to his son, the present baronet.
11. Barbara, born 24th June 1736.[10] She died unmarried.

[1] Semple's edition of Crawfurd's History of Renfrewshire, p. 189. This dial is still in the garden at Pollok, and in very good preservation.
[2] Extract Disposition at Pollok.
[3] Cash-book of Sir Walter Maxwell at Pollok.
[4] Records of the Parish of Eastwood, vol. i.
[5] Semple's edition of Crawfurd's History of Renfrewshire, p. 189.
[6] Original Letter at Pollok. Records of the Parish of Eastwood, vol. i.
[7] Records of the Parish of Eastwood, vol. i.
[8] Scots Magazine, vol. xix. p. 437.
[9] Original Statistical Account of Scotland, vol. xviii. p. 204.
[10] Records of the Parish of Eastwood, vol. i.

By his third wife, Margaret Caldwell, Sir John had no family. She survived him for nine years. On 2d January 1753 she entered into a contract with her step-son, Sir John Maxwell of Pollok, for the resignation of her liferent of the mains and house of Haggs and others, for an annuity of 2200 merks Scots, that arrangement being considered for the advantage of both parties.[1] She died at Hamilton on 25th March 1758,[2] six months before the death of her eldest step-son, Sir John Maxwell, who died on the 14th of September in the same year.[3]

XIX.—(1.) Sir John Maxwell, fourth Baronet, 1752-1758,

Was born on the 27th of March 1720.[4] When in his thirteenth year, he became a student in the University of Edinburgh. He and his sisters were placed under the care of their aunt, Margaret Maxwell, and her husband, Robert Stewart, Professor of Natural Philosophy in that University. It was in the month of October 1732, that young Mr. Maxwell entered the University, as appears from the accounts of Mr. Robert Alison, writer in Edinburgh, agent for his father, Sir John Maxwell. Under date the 13th October 1732, Mr. Alison charges Sir John with 13s. 6d., as money spent in Mrs. Nicolson's with Mr. Robert Stewart, and others, when his son Mr. John entered the College. Next day, the agent gave the young student a trip to Leith, to lighten his academical studies: the "incidents" there, with Mr. John, his governor, John Stewart (cousin, no doubt, of the student), and others, per tavern bill, amounted to 11s. 9½d., and the stage coach for three persons to Leith, and five from it, cost 2s. 8d.

Two months after this, the young student was entered to learn dancing with a Mr. Douney, whose quarter's fee is stated at £1, 10s. The "incidents" usual to all business at this time, occurred at the "entry" to the dancing, and are set down by the governor as amounting to 4s. 3d.

This governor was a Mr. Frederiek Carmichael, probably some relation of Mr. Maxwell's mother, Lady Anne Carmichael.

Mr. Maxwell appears to have studied at the University of Edinburgh for

[1] Original Contract at Pollok.

[2] Semple's Edition of Crawfurd's History of Renfrewshire, p. 189. Scots Magazine, vol. xx. p. 161.

[3] Scots Magazine, vol. xx. p. 500.

[4] Records of the Parish of Eastwood, vol. i.

Adv. Bib.

about seven years, or till the beginning of 1739, as there are payments made to him, by his father's agent in Edinburgh, from the time of his entering the University in 1732 till the year 1739.[1]

Soon after this date, and when about twenty years of age, he made a tour on the Continent, for the purpose of completing his education. He was accompanied by the learned Mr. William Rouet, who afterwards occupied successively the chairs of Oriental Languages and of Church History in the University of Glasgow. For a short time Mr. William Mure, younger of Caldwell, joined Mr. Maxwell on his travels, and an amusing incident occurred to them whilst visiting the Chateau de Sceaux in France. The story was related about thirty years afterwards to Mr. Mure's son, when visiting the chateau. There is a large sheet of water in the park attached to the chateau, and the cicerone informed Mr. Mure that, many years before, two impudent Englishmen, who had been permitted to see the place, induced by the heat of the day, and thinking themselves unobserved, proceeded to bathe in the lake. They were, however, seen by some one, who informed the Countess d'Eu, and she immediately ran down with her ladies from the chateau towards the water, to the great consternation of the bathers, who had just time, before she came up, to regain their clothes, and effect their retreat into the wood. The guide added that the strangers were both above six feet high, and that, as they made off the Countess remarked "what fine, tall fellows they were, and how much she regretted not having arrived in time to see them get out of the water."[2]

In the end of the year 1741, Mr. Maxwell, in compliance with his father's wishes, left Paris and went to Geneva;[3] whence, on the 22d February 1742, he wrote a long letter to his friend Mr. Mure, giving him an account of his own employments, and of the manners and customs of the place. The men of Geneva, he found, were of two sorts, either grave old philosophers, or young foppish Petits Maîtres, *apes* of the French. The old ones met in one another's houses in clubs, or what they called Societés, and which got the name of the "Société des beaux esprits." Of these Mr. Maxwell made no claims to become a member, and as for the other sort, he despised them. It was not easy, he found, to get into the company of the ladies, as they were all linked together

[1] Original Accounts at Pollok.
[2] Caldwell Papers, Part First, p. 30.
[3] Caldwell Papers, Part Second, vol. i. p. 18.

in these sociétés, and the Petits Maîtres were jealous of the introduction of strangers, lest they should lose their own ground.[1]

From Geneva Mr. Maxwell proceeded to Naples, whence he again wrote to Mr. Mure, giving him an account of his movements, and much interesting information. He had stopped about a month or so at Viterbo, not going forward to Rome on account of the unhealthy state of the atmosphere. Near Viterbo he found a remarkable fountain of boiling water, apparently not noticed by any writer, ancient or modern. All sorts of superstitious notions and stories were told of this fountain, such as that it was without bottom, and had a communication with hell, etc. The well was about forty feet in diameter; and Mr. Maxwell, by means of a cord with a cannon-ball attached to it, measured its depth, which he found to be between thirty and forty yards. There was a crowd of people who witnessed the measurement, but not one dared to believe his own eyes that the well had a bottom. At a little distance from this fountain, Mr. Maxwell also traced the Via Cassia upwards of three miles, which in one place was quite entire,—of the same breadth, and made exactly in the same way as the Via Appia, of large blue stones lying like wedges in the ground. About five miles from Viterbo, he also discovered the remains of an old Etruscan town called Ferentum. As to site, it agreed exactly with Livy's description, and the ruins of temples, pavement of streets, and about twenty arches of an amphitheatre, were still to be seen.

From Viterbo Mr. Maxwell, and some fellow-travellers, took a trip into Tuscany on horseback,—their chief object being to see the Lake Thrasimene, beside which the famous battle between the Romans and Carthaginians under Hannibal was fought. At Monte Fiascone, on the post road, they saw the monument of a German Bishop, who, on travelling to Rome, sent his servant before him to taste the wine in all the public-houses by the way, and to write the word Est above the door wherever he found the wine good. Here the servant, finding the wine very good, wrote the word Est three times on the door. And, as the story goes, the bishop died here in consequence of too freely indulging in the same, when his servant wrote on his monument the appropriate inscription,—" Est, Est, Est; propter nimium Est, Dominus meus—mortuus Est."

[1] Caldwell Papers, Part Second, vol. i. pp. 25, 26.

From Monte Fiaseone they went to Orvieto, formerly ealled Urbs Vetus, a plaee whieh, in the time of the aneients, must have been almost impregnable. It is situated on the top of a round hill, and its position is strengthened by the eutting down of the roeks perpendieularly all around it. Water is obtained within it by an immense well, eut down in the rock to the level of a river whieh runs past it. The water in this well is reaehed by a double stairease, with a deseent so easy that mules ean go up and down it. The water always stands at the same level, whatever quantity may be drawn, whieh indieates the neighbouring river to be the direet souree of the well's supply.

Next day, after a rough ride, they arrived at the Lake Thrasimene, where, with Livy in hand, they surveyed the battle-field, saw the Vallis Proelii and the village Ossaria, and then rode along the side of the lake to Cortona. Mr. Maxwell was very mueh pleased with this plaee. The people here, he says, were of a quite different genius from the rest of Italy: they did not spend their time in eourting one another's wives, but a spirit of sense and learning prevailed amongst them. From Cortona they went to Monte Puleiano, drank a eup of its famous ehirping wine, and then proeeeded to Clusium, where Porsenna was king when Rome was yet young. It bore traees of aneient greatness, but was then almost quite desolate. There was a remarkable labyrinth which ran under it from end to end, with several eross-roads between, whieh was generally supposed to have been used as a burying-plaee for their kings. From Clusium Mr. Maxwell returned to Viterbo, where he remained a few days, and afterwards made a short visit to Rome.[1]

While abroad in 1741 and 1742, Mr. Maxwell had his thoughts very much direeted towards a Parliamentary life. He did not wish to lie as a dead weight on his country, and though making no great pretensions as to business qualifieations, he yet wished for something more aetive than the life of a mere eountry laird. In these eireumstanees he thought, if he eould carry his eleetion as a member of Parliament without mueh "drinking or pothering," that by attending to the interests of the eountry, and aeting and voting honestly, he might be of service to his fellow-men.[2] A few years after, this objeet of his ambition was apparently within his reaeh. In February 1744, an express was sent from Glasgow to Sir John Maxwell, requesting him either to go to Parlia-

[1] Caldwell Papers, Part Second, vol. i. pp. 32-36.

[2] *Ibid*, p. 25.

ment himself, or to send his son, as member for the Glasgow district of Burghs. Sir John at first positively declined either to be nominated himself, or to allow his son to be so. Had he agreed at once, the election must have been certain, but before he consented to Mr. Maxwell being chosen, obstacles had arisen which prevented his election.[1]

Although Mr. Maxwell did not succeed in getting into Parliament, he was not left without honourable employment. His cousin, John third Earl of Hyndford, an accomplished diplomatist, who had already done essential service at the Court of Berlin, was, in 1744, sent as ambassador to the Court of Russia, and Mr. Maxwell accompanied him as one of his suite. The dress in which Mr. Maxwell attended a royal marriage while in this embassy is still at Pollok; and a few years ago it was worn by Lord Belhaven at the Queen's fancy ball. It consists of a coat of crimson silk velvet, knee-breeches, and handsome vest. Mr. Maxwell appears to have come home some years before Lord Hyndford, who did not return till 1750.

In December 1752, Mr. Maxwell's father died, and on 20th February 1753, he expede a special service, as nearest and lawful heir-male and of line of Sir John his father, in the barony of Pollok, and the other lands specified in the retour of his father above mentioned, with some exceptions. The retour bears that Sir John died on 24th December 1752.[2] Sir John, the heir, was infeft in Pollok on 10th May 1753.[3]

On the 2d January 1753, he entered into a contract with his stepmother, Dame Margaret Caldwell, whereby she gave up her liferent right to the mansion-house of Haggs and Mains of Haggs, and he bound himself to pay her an annuity of 2200 merks Scots.[4] This baronet built the stone-bridge over the river Cart for his own use, which still serves the mansion of Pollok. Its parapet-walls are fine ballusters, forty on each side, and bear the date 1757 and 1758.[5]

In the year before his death, Sir John purchased from William Duke of Montrose the lands of Crookston, comprehending the Mains of Crookston, Byres of Crookston, Netherton of Crookston, Hillbank and Broadcroft, Old

[1] Caldwell Papers, Part Second, vol. i. p. 61.
[2] Extract Retour at Pollok.
[3] Original Instrument, *ibid.*
[4] Original Contract at Pollok.
[5] Crawfurd's Renfrewshire, Semple's edition, p. 190.

Crookston, and the wood of Crookston, the lands of Mains of Darnley, with the mill of Darnley, being all parts of the lands of Crooksfie and Darnley, in the earldom and late regality of Darnley, with towers, fortalices, etc. The price of these lands was £12,000 sterling.

Sir John did not long enjoy his estates, as he died at Pollok on the 14th September 1758, aged thirty-eight years, and unmarried.[1] He was very fond of manly and athletic exercises, in which he greatly excelled. He was a good swimmer, an expert skater, and an excellent horseman. There is a tradition in the family, that he could pick up a coin from the ground whilst his horse was at a canter-gallop. He could accomplish a mile in a minute on his skates, and speaks of this amusement in enthusiastic terms.[2] And perhaps his love of swimming may have in some measure led to the adventure at the Chateau de Sceaux. But besides excelling in these exercises, Sir John was a man of great ability and scholarship, and considered by those who knew him to be one of the most accomplished men in Scotland; and from his avowed wish for public employment, there is every reason to believe that his untimely death deprived the country of valuable services at his hands.

XIX. (2.)—Sir Walter Maxwell, fifth Baronet, 1758-1762; D'Arcy Brisbane, 1760-1810.

On the death of Sir John Maxwell, on 14th September 1758, his next surviving brother consanguinean, Walter, became Sir Walter Maxwell, Baronet, of Pollok. He was the second surviving son of Sir John Maxwell, by his second wife, and succeeded to the estate when in the twenty-seventh year of his age, having been born on the 15th of February 1732.[3]

Immediately after his succession, Miss Beatrix Maxwell, only surviving sister-german of the late Baronet, by disposition, dated 3d October 1758, conveyed, as already stated, to Sir Walter Maxwell, all property, real and personal, falling to her by the death of her brother.[4] She also disponed to Sir Walter the estates of Crookston and Darnley, and thus enabled him to get

[1] Scots Magazine, vol xx. p. 500.
[2] Caldwell Papers, Part Second, vol. i. p. 27.
[3] Records of the Parish of Eastwood, vol. i.
[4] Original Disposition at Pollok.

the disposition to these lands in his own favour from the Duke of Montrose, from whom Sir John had purchased them shortly before his death.[1]

On 11th April 1759, Sir Walter expede general serviees as nearest heir-male and heir of provision of Sir John his father, and also of Sir John Maxwell his brother eonsanguinean, in the lands of Yoker and Blawarthill.[2] On 3d July 1761, he obtained a charter of adjudication under the Great Seal, in favour of himself and his heirs-male and assignees of the barony of Pollok, and other lands.[3] He was infeft in Pollok on 9th September 1761.[4]

Sir Walter Maxwell married D'Arey Brisbane, daughter of Thomas Brisbane of Brisbane. Their contract of marriage is dated 19th February 1760. Sir Walter thereby beeame bound to resign the barony of Pollok, and other lands, in favour of himself and the heirs-male of the marriage, whom failing, to the other heirs therein mentioned. He granted a proeuratory of resignation in terms of that obligation on 9th Mareh 1762,[5] being the month preceding his death, and an instrument was expede thereon in favour of his brother, Sir James, on 6th August following.[6] Sir Walter also beeame bound to infeft Lady Maxwell in an annuity of £300 sterling, and she assigned to him all sums of money to which she was entitled.[7] The proelamation of the banns of their marriage was made in the parish ehureh of Eastwood on the 16th of February 1760;[8] and they were married at Edinburgh on the 19th of the same month.[9] Of this marriage there was an only son, John Maxwell, born on the 27th November 1761.[10] Sir Walter Maxwell died on Thursday, the 29th of April, in the following year,[11] being little more than two years after his marriage,[12] and less than four years after his sueeession to the estate. His ehild survived him for a few weeks only, and thus D'Arey Lady Maxwell, while yet in the prime of youth, was rapidly bereaved of both husband and son. Saddened in early life by these afflietions, she remained, during her long widowhood of nearly half a eentury, eminent for her piety and aetive benevolenee.[13]

[1] Original Assignation at Pollok.
[2] Extract Retour, *ibid.*
[3] Original Charter, *ibid.*
[4] Original Instrument, *ibid.*
[5] Extract Procuratory, *ibid.*
[6] Original Instrument, *ibid.*
[7] Extract Contract, *ibid.*
[8] Records of the Parish of Eastwood, vol. iii.
[9] Scots Magazine, vol. xxii. p. 105.
[10] Records of the Parish of Eastwood, vol. iii.
[11] Scots Magazine, vol. xxiv. p. 227; Glasgow Journal, No. 1083.
[12] Life of Lady Maxwell, p. 16.
[13] A short memoir of D'Arcy Lady Maxwell will be found at page 412 of this volume.

XX.—(1.) Sir John Maxwell, sixth Baronet, 1761-1762.

Sir John Maxwell, only child of Sir Walter Maxwell and D'Arcy Brisbane, was born on the 27th of November 1761,[1] and succeeded his father on 29th April following, when a child of about five months old. On the 14th of June 1762, he was retoured as only child and heir-male of Sir Walter Maxwell his father.[2] But on Friday the 25th of June 1762, being nine weeks and one day after his father's death, the infant baronet met with a fatal accident.[3] The baronetcy and estates then devolved upon his uncle, James Maxwell, who, on 23d July 1762, expede a service as nearest heir-male, and also heir in general of Sir John Maxwell, only child of the marriage of Sir Walter Maxwell and Dame D'Arcy Brisbane his spouse.[4]

XIX.—(3.) Sir James Maxwell, seventh Baronet, 1762-1785; Frances Colhoun, 1764-1786.

Sir James Maxwell was the sixth child of Sir John Maxwell of Pollok, being his third son by his second wife, Barbara Stewart, and was born on the 26th March 1735.[5] Mr. Maxwell was a stout-made man, and he stood six feet four inches. Finding little encouragement to engage in any of the occupations open in his native country to a person in his position of a younger son, he determined to push his fortune abroad, where the cadets of many Scotch families found more opportunities of improving their fortunes than at home. He therefore resolved on going as a planter to the Island of St. Christopher. Before leaving Scotland, he prepared himself for some of the occupations of which a knowledge might be required in that career, by working as a carpenter at the bench of David Lillie, who was then Deacon of the Wrights in Glasgow. Mr. Maxwell diligently attended to this employment along with the working journeymen, and is said to have become an expert joiner.[6]

About five years after his succession to Pollok, Sir James purchased from

[1] Records of the Parish of Eastwood, vol. iii.

[2] Original Retour at Pollok.

[3] Semple's Edition of Crawfurd's Renfrewshire, p. 190. Scots Magazine, vol. xxiv. p. 395, and Glasgow Journal, No. 1091.

[4] Extract Retour at Pollok.

[5] Records of the Parish of Eastwood, vol. i.

[6] Letter from "Senex" in the Glasgow *Daily Herald*, 10th September 1859. This story is related so circumstantially in the letter referred to, that it is probably well founded, although there is no tradition of it in the Pollok family. Mr. James Maxwell was about seventeen or eighteen years of age when he thus took to the "bench" as an amateur.

William Duke of Montrose the superiority of the lands of Meikle, Nether, and Little Cowglens, Hillfield, Potterton, Deaconsbank, and Over Darnley, with the office of bailiary of the said lands, all in the earldom of Darnley. The disposition by the Duke in his favour is dated 29th April 1767.[1]

Sir James was one of the principal founders and shareholders of the Thistle Bank in Glasgow. On one occasion, when there was a run on the bank, he sent from Pollok to the bank a corn-sack with gold coins, being accumulations of rents of the estate, to meet the demands.[2] The bank, however, ultimately failed, and Sir James and his family lost money through the failure.

Sir James Maxwell was for several years an elder of the kirk-session of the parish of Eastwood. As a mark of respect to Sir James as patron and principal heritor of the parish, the bellman, before commencing to ring the bell, always waited for the appearance of Sir James's carriage, even should it have been half-an-hour behind the stated time.

Soon after his succession to Pollok, Sir James Maxwell married Frances Colhoun, second daughter of Robert Colhoun, of the Island of St. Christopher, who was a younger son of Colhoun of Kenmure, in the county of Lanark. Their contract of marriage is dated 19th and 23d November 1764. Sir James Maxwell thereby became bound to pay to her a yearly jointure of £450 sterling. The tocher of Frances Colhoun was £5000 sterling.[3] Two sons and two daughters were the fruit of this marriage, viz. :—

1. John, who succeeded his father.
2. Robert, who was born on 17th July 1770.[4] He adopted the military profession, and, at the age of seventeen years, he was, on the 15th August 1787, appointed an ensign in the 18th or Royal Irish Regiment of Foot. He was made lieutenant of an independent company of foot on the 24th of January 1791 ; and on the 2d of March following he was appointed lieutenant to a company in the 18th or Royal Irish Regiment of Foot, then commanded by General Sir John Sebright, Baronet. On the 12th June 1793, he was made captain of an independent company of foot, then to be immediately raised ; and on the 2d January 1794, he was made captain in the 16th or Buckingham Regiment of Foot.[5]

[1] Extract Disposition at Pollok.

[2] Information of Thomas Cuninghame at Pollok, who has been upwards of sixty years the attached servant of the present Sir John Maxwell.

[3] Original Contract at Pollok. The following wager concerning the issue of this marriage has been preserved by Sir James in his cash-book, under date 10th February 1772 :—"Mr. James Dunlop lays five guineas that Mrs. Wallace's first child is a female. Mr. James Dunlop lays six guineas and a half to six, that Lady Maxwell's first child shall be a son."—[Original cash-book at Pollok.] The ladies thus referred to were sisters. Mrs. Wallace of Kelly was mother of the late Robert Wallace of Kelly, sometime M.P. for Greenock, who was a cousin of the late Sir John Maxwell of Pollok.

[4] Records of the Parish of Eastwood, vol. iii.

[5] Original Commissions at Pollok.

Captain Maxwell was very tall, being fully six feet three inches in height. He was a fearless equestrian, and a lover of all manly sports and exercises. He died at Pollok House on 1st July 1796.[1]

Captain Robert Maxwell married Margaret Cuninghame, daughter of Sir William Cuninghame of Fairlie, without issue. For reasons best known to themselves their marriage was kept private till his death. He was buried in the Pollok family vault at Eastwood. His widow, Margaret Cuninghame, married, secondly, John Cuninghame of Craigends, and they had five sons and six daughters. One of these daughters is the present Anne Dowager-Duchess of Argyll. John Cuninghame was first married to Frances, sister of Captain Robert Maxwell (the first husband of Margaret), but of that marriage there was no issue.

3. Frances was born on 24th March 1772.[2] She married John Cuninghame of Craigends. Their contract of marriage is dated 9th June 1794.[3] She died at Craigends without issue on 10th May 1797.[4] After her death he married, secondly, as already stated, Margaret Cuninghame, widow of Captain Robert Maxwell, brother of this Frances Maxwell.
4. Barbara (Mrs. Greville Ewing). A short memoir of her will be found at p. 418 of this Volume.

On 14th July 1773, Sir James Maxwell, in implement of his contract of marriage, made a resignation of the barony of Pollok, the lands of Crookston and others, for new infeftment in favour of himself and the heirs-male of his marriage with Dame Frances Colhoun; whom failing, to his heirs-male of any other marriage; whom failing, to his daughters without division; whom failing, to the heirs whomsoever of the body of his deceased father, and the heirs of their bodies without division; whom failing, to such person as Sir James should nominate; whom all failing, to his nearest heirs-male or assignees whomsoever, the whole heirs to bear the surname of Maxwell, and the arms and designation of Maxwell of Pollok.[5]

Sir James Maxwell died at Pollok on 3d May 1785,[6] in the fifty-first year of his age, leaving the four children above named. Frances Colhoun, Lady Maxwell, survived him, and in her widowhood resided chiefly at Pollok, occasionally visiting Edinburgh. At a meeting of the curators of her son, Sir John, held at Pollok on 27th May 1785, it was agreed that he and his brother Robert, and their two sisters, should board with their mother in town; that Sir John, for himself, his governor, and servant, should pay £340, and his brother and sisters each to allow £20 sterling yearly for bed, board, and washing, and that their clothes be provided out of their own funds. This allowance was to be increased if it was found to be insufficient.[7]

[1] Scots Magazine, vol. lviii. p. 506.
[2] Records of the Parish of Eastwood, vol. iii.
[3] Original Contract at Pollok.
[4] Scots Magazine, vol. lix. p. 432.
[5] Original Procuratory at Pollok.
[6] Scots Magazine, vol. xlvii. p. 258.
[7] Original Minute at Pollok.

Frances Lady Maxwell married, secondly, in April 1786, Sir John Shaw Stewart of Greenock and Blackhall, Baronet, without issue. She survived her second husband also, and died at Glasgow, on 21st March 1818.[1]

XX. (2).—Sir John Maxwell, eighth Baronet, 1785-1844; Hannah Anne Gardiner, 1788-1841.

Sir John Maxwell was born on 31st October 1768,[2] and succeeded his father on 3d May 1785, being then in the seventeenth year of his age. He soon after obtained a commission in the Queen's Bays, in which regiment he served until his marriage, when he retired from the army.[3]

From an early period of his life, Sir John was very fond of hunting. He warmly promoted the sport in his own district, and subscribed to several packs of foxhounds which at different times hunted the counties of Lanark, Renfrew, Ayr, and Dumfries. He was subsequently, for several years, Master of the Renfrewshire and Lanarkshire Foxhounds, to which his own subscription was £1500 a-year. After resigning the Mastership, Sir John hunted for several seasons in Lincolnshire, as he had done previously.

About 1812, Sir John gave up fox-hunting, and kept greyhounds for coursing; and on 16th September 1831, the Renfrewshire and Lanarkshire Coursing Club entertained him at dinner in the Tontine Hotel, Glasgow, when nearly sixty gentlemen were present, and Mr. James Oswald, afterwards M.P. for Glasgow, was in the chair.

Sir John went for many successive seasons to Birkhall, in Aberdeenshire, for grouse-shooting. He usually remained there about a month, and always performed the journey on horseback, which occupied four or five days.

Farming was another favourite occupation of Sir John's; and his time being thus actively occupied, he had little inclination to engage in political affairs. During the keen contests, however, which preceded the Reform Act, he was induced by the Whig party, with whom he always consistently acted, to contest, in the autumn of 1830, the representation of Lanarkshire with the

[1] Scots Magazine, vol. xlviii. p. 258, and Edinburgh Magazine, vol. ii. p. 499.

[2] Records of the parish of Eastwood, vol. iii.

[3] Sir John was Lieut.-Colonel commandant of the Eastern Battalion of Renfrewshire Volunteer Infantry before they were disbanded in 1810. In that year he was presented by the officers with a silver punch-bowl and ladle as a mark of their approval of his conduct while in command.

powerful family of Douglas. On that occasion his opponent, the Honourable Charles Douglas, was successful by a majority of fifteen votes. The late Sir Michael Shaw Stewart was one of Sir John's supporters. Before voting, Sir Michael addressed the meeting, and said—

"I give my vote for Sir John Maxwell; and in voting for that excellent man, I most truly feel that I am voting for a fit and proper person to represent this great county in Parliament; for if high and unblemished character, if unsullied integrity, if the most determined sincerity, if innate manliness and suavity of disposition, if liberality and independence of sentiment itself, if a long life spent among men in the exercise of a kind and generous hospitality, and in the practical advancement of all the great agricultural interests of the county, if the universal respect of his equals, and the grateful devotion of a fostered tenantry, and the blessings poured upon his honoured name from the heart and by the voice of the people, if such qualifications constitute a fit and proper person to represent this vast county in Parliament, then do I declare, and I appeal to every man here present, be his political bias what it may, and no one in this assembly more justly appreciates the weight of character and high respectability of my honourable friend the gallant Colonel, yet I declare that in the kingdom, for I limit not myself to a county, there does not exist an individual who more truly and practically combines all these rare qualifications than my honoured and excellent friend Sir John Maxwell; and I therefore tender him my vote freely, cordially, and affectionately."[1]

After the election, Sir John Maxwell entertained his supporters in the Town Hall of Lanark. Among those present was the late Sir James Graham of Netherby, who, on his health being proposed, said—

"He had come down to Scotland on the present occasion to vote for one than whom, since the county lost the invaluable services of Lord Archibald Hamilton, they could not find a better. He was a veteran in the cause, who had never flinched nor deviated, and he would rather see him in the House of Commons, for the character of the House of Commons itself, as the member for a Scottish county, than any one now living. . . . . He would rather have been defeated on the side of Sir John Maxwell than have succeeded in favour of any other."

After the passing of the Reform Act, the ancient burgh of Paisley was empowered to return one member, and on the first election the constituency chose their neighbour Sir John Maxwell.[2] He continued to represent Paisley till the year 1834, when he resigned his seat.

On the death in 1836 of Sir Michael Shaw Stewart, M.P. for Renfrewshire, Sir John was induced to contest on the Liberal side the representation of that county with Mr. George Houston, Younger of Johnstone Castle.

[1] Glasgow Chronicle of 13th August 1830.

[2] On 10th December 1832, the Town-Council of Paisley unanimously made Sir John an honorary burgess and freeman of the burgh, and he is described as "one of the first candidates for the representation of Paisley in the British Parliament."—[Extract at Pollok.]

Although unsuccessful on that occasion, Sir John's conduct was very much approved of by the leading men of his party.

The office of Lord-Lieutenant of Renfrewshire becoming vacant, by the death in 1838 of Mr. Campbell of Blythswood, Viscount Melbourne, then Prime Minister, wrote to Sir John Maxwell that he should have great pleasure in recommending to Her Majesty to appoint him Lord-Lieutenant of the county, adding, that this offer was so clearly due to his property and station, and the steadiness of his political conduct, that he anxiously hoped it might suit him to accept of it. Sir John thanked his Lordship for the proposed honour, which, owing to his advanced age, he declined.

So highly was he esteemed by his friends in Renfrewshire, that at a public meeting they agreed to petition the Crown to raise him to the peerage. This honour was also recommended by those who then advised the Government on the business of Scotland; but owing to some delay, and change of circumstances, the proposed honour was not conferred.

Sir John was a member of the Hodge-Podge Club in Glasgow, a literary and convivial society, founded by the celebrated Dr. John Moore in 1750, which for many years ranked amongst its members many of the most eminent men in the west of Scotland. His position in this Society is shown in the following lines of a poem written by Mr. James Murdoch, one of the members, in continuation of a series of lyrical portraits of the Club composed in 1766 by Dr. Moore :—

> "Next Maxwell appears, but here let me pause,
> There's no opening for satire, and he shrinks from applause,
> Sees some led by fashion, and others by pelf,
> But regardless looks on, and still acts for himself.
> If advice you e'er offer, he'll never gainsay,
> Politely he hears you, and takes his own way."[1]

Sir John married, in 1788, Hannah Ann Gardiner, daughter of Captain Richard Gardiner of Mount Amelia, in the county of Norfolk. Her Ladyship died on the 21st July 1841.[2]

[1] MS. copy by the late Lady Matilda Maxwell. The poem (without the latter couplet) will be found in Dr. Strang's well-known agreeable volume, *Glasgow and its Clubs*, 2d edition, Glasgow 1856, 4to, p. 53, *note*, in which work there is a full and entertaining notice of the Hodge-Podge Club.

[2] Memoir of Greville Ewing, pp. 581, 586. Additional notices of Lady Maxwell will be found *infra*, p. 424.

Like his father, Sir John was tall and handsome. He stood about six feet three inches, and was of great muscular strength. Throughout his long life he enjoyed excellent health, and only began to be indisposed shortly before his death. On the morning of Tuesday the 30th of July 1844, he arose at his usual early hour to take an airing in his carriage. He had previously been complaining of a palpitation at the heart, and when leaving the house to enter his carriage he faltered, and, although assistance was speedily rendered, he almost immediately expired. He was seventy-six years of age, having enjoyed the Pollok estates for the long period of fifty-nine years.

Of his marriage there were one son and three daughters:—

1. Sir John, the present baronet.
2. Harriet Anne Maxwell, who was born on 26th Mareh 1789.[1] She never married, and resided almost constantly at Pollok with her parents. When her father was Master of the Hounds, Miss Maxwell not only frequently appeared at the covert side, but followed the hounds. She likewise hunted with the stag-hounds in Lincolnshire. Her mother, Lady Maxwell, and she occasionally corresponded in verse. In the beginning of 1815, Miss Maxwell thanked her mother for her kind care of her, during a severe illness, in the following lines:—

Mother! whose anxious cares by night and day,
No pen can paint, no gratitude repay,
'Tis yours to smooth the long, the weary bed,
And pillow oft the sleepless, aching head.
'Tis yours to give your strength, and kindly bear
This helpless body to the easy chair;
And when the sickly taste refuses food,
And all the good you do appears no good,
To bear the fretful mood with patient smile,
And try the tedious moments to beguile—
'Tis mine to bless, as every hour I prove,
The depth and fulness of a mother's love.

There is at Pollok a full-length portrait of Miss Maxwell by Sir Henry Raeburn, which has been considered one of the finest female portraits ever painted by that artist.[2] After a severe illness, Miss Maxwell died at Pollok on 18th October 1841, and was buried in the Pollok burying-ground in the old church-yard of Eastwood. By her settlement, dated 21st June, etc., 1841, she left £4000 to be invested, and the interest to be applied annually, as follows:—Three fourths equally to (1.) the Royal Infirmary; (2.) the Deaf and Dumb Institution; (3.) the Asylum for the Blind, all of Glasgow; (4.) the Glasgow and Eastwood Club; and (5.) the British and Foreign Bible Society. The remaining fourth part of the annual interest is added to increase the fund. For the purpose of carrying out to the fullest extent, his late sister's benevolent intentions, Sir John Maxwell pays the trustees an annuity of £200, or five per cent. on the £4000. The sum paid at Whitsunday 1862 to each of the five charities for the preceding year, was £30, 12s. 10d. The

[1] Records of the Parish of Eastwood.

[2] A lithograph of part of that portrait is given in vol. ii. When King George IV. visited Scotland in 1824, the present Sir John Maxwell suggested to Sir Robert Peel, the Secretary of State in attendance on his Majesty, that this eminent portrait-painter should be knighted. Sir Robert at once acted on the suggestion, and the honour was immediately conferred.—[Letters of Sir Robert Peel and Sir Henry Raeburn at Pollok.]

WYCH ELMS

NEAR THE ENTRANCE TO THE STABLES AT POLLOK.

THE WYCH ELMS AT POLLOK.

This graceful group of Wych Elms stands on the banks of the river Cart, at Pollok, in Renfrewshire, just beneath the site of the castle occupied by the ancestors of Sir John Maxwell, Bart. . . . As they stand opposite to a row of trees of the same kind, which are now nearly all decayed, it may be presumed that they are of considerable antiquity. The ground on which they stand is fraught with interesting recollections, lying between Crookstone Castle, the residence of Lord Darnley, and the field of Langside, and adjoining the ancient Roman camps of Northwood and Camphill.

The principal tree in this group is of extraordinary health and vigour, and does not exhibit the slightest appearance of decay: it is completely covered with foliage, and its leaves, instead of being small, as is generally the case in old trees, are large and luxuriant: it still sends forth its tribute of new shoots annually to the spring, and continues to increase both in height and girth. In 1812, it was ten feet ten inches in circumference at five feet from the ground; in 1824, it measured eighteen feet one inch in circumference at the surface of the ground, and eleven feet ten inches at five feet from the ground: its height is eighty-eight feet, and it contains six hundred and sixty-nine feet of solid timber.

TO JOHN MAXWELL, ESQ. OF POLLOK,

MEMBER OF PARLIAMENT FOR THE COUNTY OF RENFREW,

The Sylva Scotica is respectfully dedicated, with the hope that it may at once perpetuate the remembrance of some of his favourite trees, and the esteem in which his patriotism and benevolence are held by

His obliged Friend and Servant,

THE AUTHOR.

[From Sylva Britannica, or Portraits of Forest Trees distinguished for their antiquity, magnitude, or beauty. Drawn from nature and etched by Jacob George Strutt. London: J. G. Strutt, &c., 1822.]

annual increase of the stock, by the addition of a fifth part of the interest, will soon make the bequest one of great importance to the charities.

3. Mary, who died in infancy.
4. Elizabeth was born in 1793. She married Archibald Stirling of Kenmure, afterwards of Keir, on 1st June 1815. Mrs. Stirling died at Kenmure on 5th September 1822, at the early age of twenty-nine years. She left one son and two daughters, viz., William Stirling, now of Keir, M.P. for the county of Perth ; Hannah Anne Stirling, and Elizabeth Stirling. Both of these ladies died unmarried ; the former on 18th July 1843, and the latter on 12th September 1845.

XXI.—Sir John Maxwell, ninth and present Baronet ; Lady Matilda Harriet Bruce, 1839-1857.

The present Sir John Maxwell succeeded as ninth Baronet on the death of his father, on 30th July 1844. He is the twenty-first generation from Undwin, the father of Maccus. Sir John was born on the 12th of May 1791, and in 1798 was sent to a school kept by the Rev. Doctor MacLetchie, minister of Mearns, who received a few young gentlemen as boarders at his manse, among whom at that time were the present Earl of Glasgow, and the present Lord Belhaven.[1]

Having remained at Mearns about five years, Mr. Maxwell was for three years (from 1802 to 1805) at school at Market Raisin, about sixteen miles from Lincoln, and thus had occasional opportunities of joining his father in his favourite sport, as Sir John at that time resided at Lincoln during the hunting season.

From Market Raisin Mr. Maxwell went to Westminster school, where he remained until 1809, in which year he entered as a Gentleman Commoner of Christ Church, Oxford, where he graduated. The Dean, Dr. Hall, wrote in August 1812 to Sir John Maxwell, saying how highly he esteemed his son : " I am much mistaken," he adds, " if his amiable disposition, his manly sentiment, and, I may add, his talents, if he will exert them, do not make him a most useful and valuable member of society." In 1812, Mr. Maxwell attended several of the classes in the University of Edinburgh. He was soon afterwards

[1] Mr. Maxwell wrote to his father on 16th December 1800, an account of his exercises at Mearns :—" I rise by seven every morning, and read Latin till breakfast ; from ten till one I write a copy, and read and spell English. After dinner, I get a short lesson by heart, and the rest of my time I devote to amusement. I am reading Cornelius Nepos, and like Latin very much."

appointed Lieutenant-Colonel of the Renfrewshire Militia, but he did not hold his commission long, owing to the refusal of the Government to send relief to the starving operatives in Paisley.

In the month of August 1813, Colonel Maxwell, accompanied by Mr. John Bramsen, an ex-officer of the Prussian army, and afterwards Professor of German in the University of Oxford,[1] set out on a foreign tour, in the course of which he visited Sweden, Prussia, Austria, the Ionian Islands, Egypt,[2] Jerusalem, and Syria, returning by Greece, Italy,[3] Germany, Denmark, Holland, and the Netherlands.[4]

Colonel Maxwell reached Pollok a few days before Christmas 1815, after an absence of nearly two years and a half.[5]

On the retirement of Archibald Speirs of Elderslie as Member for the shire of Renfrew, Mr. Maxwell, who was then in his twenty-sixth year, was elected by the freeholders on 4th July 1818. Mr. Boyd Alexander of Southbar, who was his opponent, did not go to a vote. Mr. Maxwell was supported by Lord Archibald Hamilton, M.P. for Lanarkshire. Lord Archibald, in his speech to the freeholders in favour of Mr. Maxwell, said :—

"I have known Mr. Maxwell for a long time, and I think it a duty which I owe to my friend and to my brother freeholders, to bear my humble testimony to the virtues of his character, and to his fitness to discharge the important duties which you are about to impose upon him. . . . We are sensible how important it is, in times like the present, to have honest and independent men sent into Parliament. . . . . From what I know of the character and principles of my friend, who is to be honoured with your choice this day, I will pledge myself that he knows well how to distinguish between a jealous regard for the rights of the people, and the encouragement of anything which can tend to disturb the social order of society."

[1] Mr. Bramsen published, in 1818, an account of these travels in two vols. 8vo, in English and French.

[2] While in Egypt, Colonel Maxwell was most hospitably entertained at Dananhour by Ali Bey, the nephew of Ali Pasha, who was at that time absent on a warlike expedition.

[3] At Otranto Colonel Maxwell was threatened with a forty-seven days' quarantine; but being fortunately the bearer of despatches from the Governor of Corfu to the British Consul at Naples, orders were in a few days received from Murat, then King of Naples, directing him to continue his route without delay. Upon this the inhabitants immediately concluded that Colonel Maxwell was charged with a special mission from the British Government, and he was received throughout his route to Naples with the honours due to an Envoy Extraordinary.

[4] When at Spa, Colonel Maxwell met the Prince of Orange, who was suffering from his wound received at Waterloo; and had the honour of dining with the Prince, whom he had known at Oxford.

[5] During these travels Colonel Maxwell kept a journal, which is still preserved at Pollok. He was accompanied throughout the tour by Mr. Thomas Cuningham, who had been his playmate at school, and attended on him while he was at Oxford; and whose forefathers had been on the Pollok estate for upwards of three hundred years. Mr. Cuningham is still in Sir John's household, of which he has now been a member for more than sixty years.

Mr. Maxwell frequently addressed the House of Commons. On 10th April 1819, a member wrote to Lady Maxwell, giving an account of Mr. Maxwell's first speech in the House. It was in support of Lord Archibald Hamilton's motion respecting illegal elections of magistrates in the burgh of Aberdeen, on the 1st of April 1819. He spoke, says the writer, very well, inasmuch as he spoke clearly, manfully, and succinctly to the question, and, above all, with the free and unembarrassed air of a high-bred gentleman. On the 26th of May, Mr. Maxwell seconded, and spoke in support of the motion of Sir Charles Monck against the cession to Turkey of Parga, a continental dependency of the Ionian Islands. A Scotch member writes, on 28th May 1819: "I felt nervous for Maxwell, because I saw Sir Charles Monck had already tired the House, and exhausted the subject, but I felt thus nervous only to become in the end more gratified and pleased by the concise, yet general, the forcible and feeling manner, as a statesman, a Christian, and a traveller, in which Maxwell supported the motion, and urged the cause of the interesting Parguinotes. He was cheered during his speech, and very much so when he sat down. He hit the house exactly in the right place, viz., by exciting their feelings, without lingering on their attention. He performed his difficult task well, and made a firm, feeling, able, and most gentlemanlike appearance."

At the first general election which took place after the accession of George IV., Mr. Maxwell was re-elected Member for Renfrewshire on 21st March 1820, after a contest with his former opponent, Mr. Boyd Alexander.

Mr. Maxwell was, for the third time, elected on 1st July 1826, and thus sat in three successive Parliaments for Renfrewshire. On the dissolution of Parliament in 1830, he did not again solicit the suffrages of the electors of Renfrewshire, and his friend, Sir Michael Shaw Stewart, was elected.

In the following year, Mr. Maxwell was induced to contest the representation of the county of Lanark with the Honourable Charles Douglas, brother of Lord Douglas. This was a celebrated contest, and was the last election by the freeholders previous to the passing of the Reform Act. Mr. Maxwell stood as a Reformer, and had the support of the Hamilton family. Mr. Douglas was much esteemed by all parties as a most amiable man, and with the great influence of his family, he was a very formidable opponent. The election took place in the parish church of Lanark on 13th May 1831. Mr. Douglas was

elected by a majority of 11 votes. This election has been described as the most extraordinary and alarming one that ever took place in Lanarkshire. The church was crowded to excess, and thousands were waiting outside to learn the result. Mr. Douglas was grossly assaulted, and his right eye was severely injured by a missile thrown from the crowded galleries. In the prevailing excitement, Mr. Duncan M'Neill, now Lord Justice-General, with other friends, sprang from their seats, and formed a body-guard to Mr. Douglas, who soon recovered, and addressed the electors. As he and his friends were leaving Lanark, they were again assaulted, upon which the Sheriff read the Riot Act, and a troop of dragoons came into Lanark at full gallop, and scoured the streets.[1]

Next year, at the first general election after the passing of the Reform Act, Mr. Maxwell was elected Member for Lanarkshire, by a large majority over his two opponents, Mr. Hamilton of Dalziel (Radical), and Mr. Carrick Buchanan of Drumpellier (Tory). At the dissolution in January 1835, Lanarkshire was contested by Mr. Maxwell and Mr. Alexander Macdonald Lockhart of Carnwath, a supporter of Sir Robert Peel's short-lived Government. But Mr. Maxwell was again successful.

Mr. Maxwell retired from Parliament in the year 1837. He was induced to do so chiefly on the ground of a difference of opinion between himself and a large class of his original supporters on the question of Established and Voluntary Churches—a question which was then keenly agitated in Scotland. Many of these supporters held the Voluntary principle, while he believed in the necessity of a Church supported by the State. Rather than remain at variance with those whose opinions he respected, although believing them erroneous, Mr. Maxwell finally retired from the representation of Lanarkshire.

While in Parliament, Mr. Maxwell took an active interest in all the leading measures brought before it, but particularly in the condition of the handloom weavers, of whom large numbers were then in great distress from want of employment. He espoused their cause both in and out of Parliament, and promoted every measure which had for its object the alleviation of their sufferings. In two successive sessions he brought forward motions in Parlia-

[1] Although the contest was attended with such keenness, the two candidates, being old friends, observed the greatest courtesy toward each other; while the Hon. James Douglas, younger brother of Colonel Douglas, had such respect for Mr. Maxwell, that he declared, with tears in his eyes, it was the hardest thing he had ever experienced to have to vote, even for a brother, against his old college companion.

POLLOK HOUSE.

FROM THE SOUTH.

RECEPTION OF H.R.H. ALBERT PRINCE OF WALES, BARON OF RENFREW &c

AT POLLOK HOUSE, RENFREWSHIRE, THE SEAT OF SIR JOHN MAXWELL BARONET, ON 15TH AUGUST 1859.

ment for a select committee to inquire into the subject, which, although opposed by the Government of the day, were carried against their influence, and committees were appointed. Of these committees Mr. Maxwell was chairman. A large mass of evidence was addueed, and the committee were unanimous in their report. But although Mr. Maxwell was supported by several of the largest manufaeturers in various parts of the country, he did not succeed in carrying through Parliament a measure for the mitigation of the evils under which the handloom weavers laboured. Some of the manufacturers, however, adopted the measures recommended by him, which have since been found to work beneficially.[1]

His Royal Highness the Prince of Wales honoured Sir John Maxwell with a visit at Pollok on the 15th August 1859, on which oeeasion the Prince entered for the first time his ancient Barony of Renfrew, the cradle of his Stewart aneestors in Scotland. The reeeption of the Prince at Pollok House is shown in the accompanying drawing.

The Church of Eastwood or Pollok, which was erected in the year 1781, having become unsuitable for the parish, Sir John made an offer to the heritors and Presbytery to remove the church, and at his own expense to erect a handsome and commodious Gothic structure in its place, "for the glory of God, the increased efficiency of the ministry, and the spiritual benefit of the parishioners." This offer was thankfully accepted, and the foundation of the new church was laid on Saturday, the 15th of November 1862, with masonic honours. Mr. Walter Crum, of Thornliebank, acted as Grand Master Mason of the Province for Sir John Maxwell. In addressing the assemblage, Mr. Crum said—

"This gift on the part of Sir John Maxwell is purely voluntary and spontaneous—a generous expression of his desire to contribute to the wellbeing of the parishioners, to gratify their worthy pastor by increasing his means of usefulness, and to beautify the locality where he is so much esteemed, and in which he is so largely interested. In a letter from the worthy Baronet, transferring for a time his masonic authority, he expresses his 'hope and prayer that the new church may, in its degree, resemble the Temple of Jerusalem, in being a house of prayer for all sincere and earnest Christians, and be the means of inculcating the doctrine of love to God and our neighbours, as set

[1] Sir John Maxwell is the author of several brochures on Parliamentary Reforms, Finance, and the Qualification of Electors, etc., including "A Letter to the Honest Reformers in Scotland, with Remarks on the Poor Rates, Corn Law, Religious Establishments, Right of Property, Equality of Ranks, and Revolution." 8vo, pp. 36. Glasgow: Andrew and John M. Duncan, 1820. This Letter reached a third edition. "True Reform; or, Character a Qualification for the Franchise." 8vo, pp. 50. Edinburgh: Thomas Constable & Co., 1860.

forth in the Sermon on the Mount.' It is the desire, I may say, of all who know his name, that the author of these sentiments may long be spared to enforce them by his living example, and by that authority which a continued practice of kindly offices has gained for him."[1]

Mr. Maxwell married, contract dated 14th October 1839, Lady Matilda Harriet Bruce, second daughter of Thomas Earl of Elgin and Kincardine, by Mary Hamilton Nisbet, heiress of Dirleton and Belhaven. After their marriage, Mr. and Lady Matilda Maxwell resided chiefly at Hillhead, near Pollokshaws, until 1844, when they removed to Pollok. After eighteen years of the most happy wedded life, Lady Matilda died at Pollok, on 31st August 1857, without issue. The inscription on the tombstone which is erected over her grave in the family burying-vault in Eastwood churchyard, well records the eminent piety of this distinguished Christian lady.[2]

[1] In the new manse of Eastwood there is a stone which was brought from the former manse, bearing the following inscription in large old English letters: "Ecclesiae Dei me construendum curauit Tho. Jackaeus, 1577." This is evidently the inscription stone of a church built soon after the Reformation. That church, which was situated in the churchyard half-a-mile south-west of the present manse, continued to be used till the erection in 1781 of the church lately removed. The only part of the church built in 1577 now standing, and which has been re-built, is the aisle used as a burial place by the Maxwell family.—[Note by the Rev. George Campbell, minister of Eastwood.]

In connexion with the church a short account of the Industrial School of Pollokshaws may be given. It was instituted in 1857, to afford instruction, both ordinary and industrial, to the lowest class of children in the town, a large proportion of them the children of paupers. Its success has been very remarkable. Upwards of 900 children have been admitted since its commencement; and during the last year the attendance was about 500. The boys, 177 in number, are instructed in carpentry, tailoring, or shoemaking; the girls, 160, are taught sewing and knitting, and take part in the washing, baking, and cooking of the establishment, the produce of the work of both sexes for the year amounting to about £400. The knowledge of trades thus early acquired, becomes instantly available on the children leaving the school. At the same time, the common elementary instruction, including religious knowledge, receives its due share of attention. Free board and lodging for a limited number, a cheap supply of food and clothing for all, a savings' bank, an instrumental band, are important parts of the economy of this admirable seminary. The results are exemplified in the recorded fact that of all the 900 pupils of the last eight years, only two have fallen into crime. The institution owes its origin to Sir John Maxwell, and to his unsparing bounty it has been all along essentially indebted.—[Note by Mr. Gordon, Inspector of Government Schools.]

[2] The inscription is given on the page after her portrait, which was prepared for a Book of Inscriptions privately printed soon after her death.

NEW CHURCH OF POLLOK OR EASTWOOD

THE GIFT OF SIR JOHN MAXWELL OF POLLOK BARONET

PART OF THE MEMORIAL WINDOW IN GLASGOW CATHEDRAL

TO LADY MATILDA MAXWELL OF POLLOK.

LADY MATILDA MAXWELL
OF POLLOK.

In Memory of

THE LADY MATILDA HARRIET MAXWELL,

SECOND DAUGHTER OF THOMAS, EARL OF ELGIN AND KINCARDINE,

AND WIFE OF SIR JOHN MAXWELL, BART., OF POLOC.

BORN ON THE 23D OF SEPTEMBER, 1802,

DIED AT POLOC, ON THE 31ST OF AUGUST, 1857.

IN LIFE AND IN DEATH

SHE WAS A BLESSING AND AN EXAMPLE

TO THOSE AMONGST WHOM AND FOR WHOM SHE LIVED,

WHO, IN GREAT NUMBERS,

FOLLOWED HER REMAINS TO THIS PLACE,

DEEPLY SORROWING,

YET NOT AS OTHERS WHICH HAVE NO HOPE,

BUT BELIEVING

THAT AS JESUS DIED AND ROSE AGAIN,

EVEN SO THEM ALSO WHICH SLEEP IN JESUS

WILL GOD BRING WITH HIM.

The ear that heard her bless'd her ; blessings came
Where'er she moved, and blessings crown'd her name ;
For none around or near her but had part
In the wide haven of her loving heart.
Bright was her smile when festal days were kept,
Tender the tear she wept with those that wept ;
Gentle the wisdom of her thoughtful mind,
Well-stored, well-order'd, simple, and refined ;
Endow'd with Heaven's best gifts, she seem'd to live
For others only, eager but to give,
To clothe the naked, feed the hungry, light
The lamp of truth in nature's inward night ;
To guide, console, encourage, aid, befriend ;
Good her sole means, and good her gracious end.
Thus walk'd she nobly through the ways of life,
A perfect daughter, sister, friend, and wife ;
Her hope in Him whose dying mercy gave
That better life which blooms beyond the grave.

[*Inscription on Tombstone to Lady Matilda Maxwell in Eastwood Churchyard.*]

Ph. dī gra hoc Scotie. Omnib; ꝑbus hanc ꝑsentem cartam
Sathan. Sciant ꝑsentes ⁊ futuri me dedisse ⁊ concessisse ⁊ hac carta mea confir-
masse Rob. fil. Hacon. unā carucatā ⁊re in territorio de Ieseden. illā scil.
quā habuit de Hacone Wett cū mesuagio ⁊ Galfrido Elie ⁊ sequelā meā et tenen-
tibus. Tenend sibi ⁊ hēdibus suis de me ⁊ hēdibus meis in feudo ⁊ hēditate. Red-
dendo inde annuatim viginti sol. scilicet ad festum scī Martini ⁊ decem solid
ad Pentecosten. Et faciendo omnia seruicia que ad ⁊ram illā pertinent. ⁊ que ⁊ra
illa facere consuevit. pro omni ⁊re ⁊ demanda. Test. Willo Cumin. Elerico-Cancell
mo. Hug. de Abūdā Elico mo. Phil. de Valoy Camerar. mo Willo Cumin
Willo de Haia. Willo de Vaux. Alex. vic. de Edenet. Luc fil. Hug.
Alex. de Sintun. Apud Forfar xxvij die decembr.

CHARTERS AND FAMILY PAPERS.

CHARTER by KING WILLIAM THE LION to ROBERT son of Maceus, of a carucate of land in the territory of Lesedwin, 28th December [1200.]

1. Willelmus Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, elericis et laicis, salutem. Sciant presentes et futuri me dedisse et concessisse et hac carta mea confirmasse Roberto filio Maceus, unam earueatam terre in territorio de Lesedwin, illam sciliect quam Herbertus de Maccuswell vicecomes meus et Galfridus clericus per preceptum meum ei tradiderunt: Tenendam sibi et heredibus suis, de me et heredibus meis, in feudo et hereditate: Reddendo inde annuatim viginti solidos, scilicet, decem ad festum Sancti Martini et decem solidos ad Pentecostem; et faciendo omnia seruicia que ad terram illam pertinent, et que terra illa facere consueuit, preter arare et metere: Testibus, Willelmo Glasguensi electo, cancellario meo, Ricardo de Prebenda, clerico meo, Philippo de Valoniis, camerario meo, Willelmo Cumin, Willelmo de Haia, Willelmo de Muntfort, Alexandro viceeomite de Striueline, Ricardo filio Hugonis, Alexandro de Sintun. Apud Forfar, xxviij die Deeembris.

CONFIRMATION by POPE HONORIUS III., of a grant to the Prior and Convent of Paisley of the Church of Polloc and others, 12th June [1219.]

2. Honorius episcopus, seruus seruorum Dei, dilectis filiis, Priori et Conuentui de Passeleth Cluniaeensis ordinis, salutem et apostolicam benedictionem: Solet annuere sedes apostolica piis uotis et honestis petentium preeibus fauorem beniuolum impertiri: Eapropter, dilecti in Domino filii, uestris iustis postula-

tionibus grato concurrentes assensu, ad exemplar felicis recordationis Innocentii Pape, predecessoris nostri, personas uestras et monasterium ipsum in quo diuino mancipati estis obsequio, cum omnibus bonis que impresentiarum rationabiliter possidet, aut in futurum iustis modis, prestante Domino, poterit adipisci, sub beati Petri et nostra protectione suscipimus: Specialiter autem concessionem ecclesiarum de Katkert, de Rutherglen, de Curmanoc, de Killeberkan, de Mernes, et de Polloc, a bone memorie Jocelino Glasguensi episcopo de capituli Glasguensis assensu, et Florentio Glasguensi electo, dum curam gereret ecclesie Glasguensis ad uestram hospitum uestrorum et pauperum sustentationem liberaliter uobis factam, cum omnibus pertinentiis suis, decimis uidelicet, redditibus, terris et possessionibus aliis, sicut pie ac prouide facta est, et in autenticis eorundem plenius continetur, uobis et per uos eidem monasterio uestro auctoritate apostolica confirmamus, et presentis scripti patrocinio communimus: Nulli ergo omnino hominum liceat hanc paginam nostre protectionis et confirmationis infringere, uel ei ausu temerario contraire: Siquis autem hoc attemptare presumpserit, indignationem Omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se nouerit incursurum. Datum Reate, ii Idus Junii, pontificatus nostri anno tertio.

Charter of Confirmation by King Alexander ii. in favour of M. formerly Thane of Calentyr, of certain lands in excambion for his lands in the valley of Nyth and in Calentyr, which had formerly belonged to Edgar son of Donald, and Affrice daughter of Edgar, 30th June [1233.]

3. Alexander Dei Gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laycis, salutem. Sciant presentes et futuri nos dedisse, concessisse, et hac carta nostra confirmasse M. quondam Theino de Calentyr in excambium tocius terre que fuit Edgari filii Douenald, et Affrice filie dicti Edgari, in valle de Nyth, et pro quieta clamatione tocius clamii et iuris, quod ipse et heredes sui habuerunt uel habere potuerunt in predicta terra; et similiter pro quieta clamatione tocius iuris quod habuerunt uel habere potuerunt in terra de Calentyr, totam illam terram quam A. abbas de Melros et Walterus Olifard, justiciarius Laodonie, et J. de Maccuswel, camerarius, et alii probi homines nostri eidem M. ex precepto nostro tradiderunt: Tenendam et haben-

dam dicto M. et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate, per easdem diuisas per quas dicti A. abbas et W. Olifard et J. de Maccuswel et alii probi homines nostri eidem M. ex precepto nostro tradiderunt, in bosco et plano, in terris et aquis, in pratis et pascuis, in moris et maresiis, in stagnis et molindinis, cum socco et sacca, cum furca et fossa, cum tol et them et infangandthef, et cum omnibus aliis iustis pertinentiis suis, libere, quiete, plenarie et honorifice, per seruitium vnius militis. Idem etiam M. Theinus nobis reddidit cartas quas ipse et antecessores sui de predictis terris habuerunt. Et si que de dictis terris confecte per obliuionem retente fuerint, in posterum penitus uiribus careant: Testibus, A. Episcopo Morauie, G. Episcopo Katannensi, W. Electo Glasguensi cancellario, W. filio Alani Senescallo, Justiciario Scocie, Laurentio de Abbirnithin, Waltero Cumyn, H. de Striueline filio comitis, Radulfo de Campano: Apud Schonam, vltimo die Junii, anno Regni domini Regis nonodecimo.

Charter of Confirmation by King Alexander iii. in favour of Malcolm son of Duncan, and Eue sister of the Earl of Leuenax, of a donation of the lands of Glaskhel and others, 30th April [1251.]

4. Alexander Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, salutem. Sciatis nos concessisse et hac carta nostra confirmasse donacionem illam quam Maldouenus comes de Leuenax fecit Malcolmo filio Duncani et Eue sorori ipsius comitis, de terris de Glaskhel, Brengoenis, et de vna carucata terre et dimidia de Kelnasydhe, cum donacione ecclesie de Moniabrocd: Tenendas et habendas dictis Malcolmo et Eue et eorum heredibus, de predicto comite et heredibus suis, in feodo et hereditate, per suas rectas diuisas, et cum omnibus iustis pertinenciis suis libertatibus et asiamentis ad dictas terras et ecclesiam pertinentibus, adeo libere, quiete, plenarie, et honorifice sicut carta dicti comitis predictis Malcolmo et Eue exinde confecta plenius iuste testatur; saluo seruicio nostro: Testibus, Alexandro Senescallo, Waltero Byseth, Eymero de Macusuuell, Johanne de Vallibus, et Willelmo de Hawden: Apud Rokisburcht, tricesimo die Aprilis, anno Regni Domini Regis secundo.

CHARTER BY WILLIAM OF CONINGBURCHT, son of Sir William of Coninburcht, Knight, to HERBERT, son and heir of Sir Eymer of Maxwell, of a carucate of land in Langeholme, etc., c. 1270.

5. Omnibus ad quos hoc presens scriptum peruenerit, Willelmus de Coningburcht, filius Domini Willelmi de Coninburcht, militis, salutem in Domino: Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse Herberto filio et heredi domini Eymeri de Maxwell, et heredibus suis uel suis assingnatis, vnam carucatam terre in Langeholme nomine feodofirme, cum istis diuisis, prima scilicet diuisa incipiente ad finem de Langeholme, sicut fons Sancti Patricii descendit in Eske, et ascendendo sic Eske usque Blakesike que descendit in Eske, et sic iterum ascendendo Blakesike usque occidentalem greteknole super Langefelle, et sic de greteknolle le Condoys usque albas petras super Langefelle, et sic de albis petris sicut Condoys ducit usque Merhake, et sic de Merhake usque in fontem Sancti Patricii, cum omnibus pertinenciis, libertatibus, et asiamentis ad predictam terram pertinentibus uel pertinere debentibus, vna cum communi pastura de Langefelle et omnibus aliis asiamentis et libertatibus dicte terre de Langefelle in feodo de Stapilgortone pertinentibus; et unam dimidiam carucatam terre in Brakanwra, cum omnibus pertinenciis, libertatibus, et asiamentis ad predictam terram in eodem feodo pertinentibus uel pertinere debentibus: Tenendas et habendas dicto Herberto et heredibus suis uel suis assingnatis, de me et heredibus meis, libere, quiete, plenarie, integre et honorifice, in boscis, pratis et pascuis, in viis et semitis, in moris et mariscis, in stangnis molendinorum et aquis, et in omnibus aliis asiamentis et libertatibus ad predictam terram spectantibus uel spectare debentibus, adeo libere, quiete, plenarie, integre, et honorifice sicut aliqua terra in regno Scocie liberius datur aut possidetur ad feodofirmam: Reddendo inde annuatim ipse et heredes sui michi et heredibus meis, nomine feodofirme, duodecim denarios pro omni seruicio seculari, exaccione, et demanda; scilicet, sex denarios ad Pentechostem, et sex denarios ad festum Sancti Martini in hieme: Volo etiam et concedo ut dictus Herbertus et heredes sui uel sui assingnati molent ad molendinum meum de Stapilgortone libere absque multura, et primo post bladum inuentum in tremulo: Ego uero Willelmus de Conigburcht et heredes mei dicto Herberto,

et heredibus suis uel suis assingnatis, dictam terram cum omnibus pertinenciis suis et libertatibus, una cum communi pastura de Langefelle, et omnibus aliis asiamentis dicte terre de Langefelle pertinentibus, sicut supra-scriptum est, contra omnes homines et feminas imperpetuum warantizabimus, adquietabimus et defendemus: In cuius rei testimonium huic scripto sigillum meum apposui; hiis testibus, Domino Alexandro Fraser, Domino Alexandro de Sintoun, militibus, Waltero de Twynham, Johanne Grindegret, Waltero de Welham, Willelmo de Fauside, Patricio Boydur et aliis.

CHARTER by HERBERT OF MAXUEL, knight, to the Church of ST. JAMES and ST. MIRRIN of Paisley, of lands in Mernes, c. 1300.

6. Omnibus Cristi fidelibus presens scriptum visuris vel audituris, Herbertus de Maxuel, miles, salutem in Domino sempiternam: Noverit universitas vestra me dedisse, concessisse et hac presenti carta mea confirmasse Deo et ecclesie Sancti Jacobi et Sancti Mirini de Passelet, et monachis ibidem Deo servientibus, in liberam, puram et perpetuam elemosinam, et ab omni seculari servitio et demanda quietas et solutas, octo acras et dimidiam et viginti octo particatas terre in nova villa de Mernes, quas mensurari feci, et que jacent inter has divisas, videlicet, sicut rivulus ecclesie transversatur altam viam que tendit de ecclesia de Merness ad novam villam, et sic ascendendo per illum rivulum ex parte aquilonali usque ad quendam lapidem stantem qui est in quodam viridi radio terre in *le* Crosteflatt, et sic per illum viridem radium terre versus aquilonem usque in quendam sicum qui extendit se versus occidentem usque ad quendam lapidem stantem, et ab illo lapide directe versus aquilonem usque in decursum sub capite unius fontis, et sic per decursum illius fontis usque in Poddockford; et abinde per altam viam usque ad rivulum prescriptum ecclesie transversantem altam viam; excepta terra ad domum de Thorphichin pertinenti infra prescriptas divisas: Tenendas et habendas sibi et successoribus suis, de me et heredibus meis in perpetuum, adeo libere, quiete, et pacifice sicut residuum terre ecclesie de Merness liberius et quietius tenent et possident, cum communibus aisiamentis prout hactenus habuerunt, propter octo acras et

dimidiam et viginti octo particatas terre quas habuerunt in territorio de Aldton, quarum quinque acre et dimidia et viginti octo particate terre jacent inter sicum qui est ad fines croftorum ex orientali parte ville de Aldton, et inter sicum qui est ex occidentali parte de *le* Thorniflat descendendo in Kirkilgate, et ab inde in altam viam, et tres acre jacent juxta lacum de Aldton ex parte orientali, que vocantur Spragunflat; quas mihi dederunt in permutatione octo acrarum et dimidie et viginti octo particatarum terre prescriptarum, hereditarie tenendas et possidendas. Et obligo me, et heredes meos et successores, ad solutionem mille librarum sterlingorum, predictis abbati et conventui et eorum successoribus solvendarum, pro dampnis suis et expensis, de plano et sine strepitu judiciali, si aliquo tempore per nos vel aliquem nostrum super hanc donationem et permutationem predictis abbati et conventui questio moveatur. Et ego et heredes mei et successores hanc donationem et permutationem predictis abbati et conventui contra omnes homines et feminas warrantizabimus, adquictabimus, et imperpetuum defendemus. Et ad majorem securitatem subposui et subpono me, heredes meos et successores, perpetue jurisdictioni et cohercioni Domini Episcopi Glasguensis, qui pro tempore fuerit, et capituli, si sedes vacuaverit, ut alter ipsorum possit nos et quemlibet nostrûm tam ad solutionem pecunie prescripte faciendam quam ad observationem hujus scripti in quolibet articulo, per omnimodam censuram ecclesiasticam, compellere, ex sola inspectione hujus instrumenti, sine alterius cause cognitione, nullo impetrato vel proponendo obstante vel valituro. In cujus rei testimonium presens scriptum sigillo meo, una cum sigillo venerabilis patris Domini Roberti Dei gratia Episcopi Glasguensis, feci roborari: Hijs testibus, Domino Johanne et Alexandro fratribus meis, Dominis Willelmo et Bricio capellanis de Passelet, Johanne dicto Pride, burgensi de Renfreu, Alano de Fulton, Willelmo de Knok, et alijs.

Charter by Herbert of Maxuell, knight, of a donation of six merks to the parish church of Merness, c. 1300.

7. Omnibus has literas visuris vel audituris, Herbertus de Maxuell, miles, salutem in Domino. Noverit universitas vestra me dedisse, concessisse et hac presenti carta mea confirmasse Deo et Gloriose Virgini Marie matri sue, pro salute

anime mee et aninnarum antecessorum meorum et sueeessorum, sex mareas argenti annui reditus de proventibus molendinorum meorum de Merness in *le* Aldton, vel de proventibus aliorum molendinorum meorum de Merness, de quibus melius et citius dicte sex marce annui redditus levari poterint, percipiendas ad terminos qui seeuntur, videlicet, trcs marcas ad festum penteeostes et tres marcas ad festum Sancti Martini in hyempme : Tenendas et habendas libere et paeifiee et quiete, in puram et perpetuam elemosinam, absque omni servieio seeulari, exaetione vel demanda, pro sustentationc invenienda cuidam capellano, qui anuatim in perpetuum eelebrabit divina in honorem beate Virginis Marie, in eeelesia parroehie de Mernes, pro vivis et defunetis. Et volo, eoneedo et ordino, quod quotiens capellanus qui ad hujusmodi offieium exequendum fuerit deputatus eesserit vel deeesserit, licebit mihi et heredibus meis alium capellanum loeo ipsius substituerc, irrequisito eonsensu Dioeesani et cujuslibet alterius judieis eeelesiastiei vel secularis, pro libito nostre voluntatis, prout viderimus expedire, (et) magis secundum Dominum et honestatem eeelesie fuerit oportunum : predietas donationem et coneessionem ego et heredes mei manutenebimus, warrantizabimus, aequietabimus, et defendemus in perpetuum eontra omnes homines et feminas, ut premissum est : Et ad hoe volumus obligari per presentes : Hijs testibus, Domino Ada, reetore eeelesie de Libertoun, Domino Allano perpetuo viecario de Mernes, Joanne de Maxuel, Domino de Polloek inferiori, Domino Alano de Glasfrud, milite, Waltero filio Gilberti, Johanne Clerieo, Gilberto de Malotisholk, et Matheo de Flandre et aliis. In cujus rei testimonium presentibus sigillum meum, una eum sigillo offieialitatis curie Glasguensis, est apensum.

Obligation by Herbert Maxuel, knight, to the Abbot and Convent of Paisley, to find a Chaplain to offieiate in the Church of Merness, c. 1300.

8. Omnibus has literas visuris vel audituris, Herbertus Maxuel, miles, salutem in Domino. Noverit universitas vestra nos et heredes nostros teneri et obligari ad inveniendum eapellanum quendam celebraturum divina inperpetuum, in honorem beate Virginis Marie, pro nobis et anteeessoribus et successoribus, in ecclesia de Merness, juxta tenorem littere cujusdam a nobis confecte, que penes abbatem et eonventum de Passalet dignoscitur residere. Et si contingat nos

vel heredes nostros contra ordinationem nostram contentam in dicta littera, aliquo modo vel tempore, totaliter vel in parte venire, quod absit, volumus teneri predictis abbati et conventui in decem marcis, nomine pene, in utilitatem monasterij de Passelet convertendis, pro qualibet vice qua contra dictam ordinationem nostram duxerimus veniendum, dum tamen nos vel heredes nostri post mensem postquam dicta ordinatio nobis fuerit ostensa, absque causa rationabili eidem inordinationi duxerimus resistendum: Ita quod, soluta pena, predicta ordinatio nostra in suo robore nichilominus perseveret. In cujus rei testimonium presentibus sigillum nostrum aposuimus.

CHARTER OF CONFIRMATION by KING ROBERT I. to the Monks of Cupar, of certain donations of the lands of Cambow, Duny, and Clargis, and an annual rent of two merks of the lands of Achinlesk, 12th July [1316.]

9. Robertus dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, salutem: Sciatis nos concessisse, et hac presenti carta nostra confirmasse donaciones illas quas quondam Johannes de Kinross, miles, fecit Deo et beate Marie de Cupro, et monachis ibidem Deo seruientibus et in perpetuum seruituris, de terris de Cambow, Duny et Clargis cum pertinenciis, in Glenyleff, et de duabus marcis annui redditus de terra de Achinlesk, vna cum toto iure quod dictus quondam Johannes in dicta terra de Achinlesk habuit, uel habere potuit, et cum comuna pasture de Cornetubir: Tenendas et habendas predictis monachis et eorum successoribus in perpetuum, in liberam, puram, et perpetuam elemosinam, adeo libere, quiete, plenarie et honorifice, cum omnibus libertatibus, comoditatibus, aisiamentis, et iustis pertinenciis suis, sicut carte prefati quondam Johannis eisdem religiosis exinde confecte plenius iuste proportant et testantur: Saluo seruicio nostro. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi: Testibus, Bernardo Abbate de Abirbrothoc, cancellario nostro, Gilberto de Haya, Alexandro Senescallo, Alexandro Fraser, et Alexandro de Setoun, militibus: Apud Perth, duodecimo die Julij, anno regni nostri vndecimo.

CHARTER by ROBERT OF MAXUELLE, Lord of Mernnes, to SIR JOHN OF MAXUELL, knight, lord of Nether Pollok, and LADY ISABELLA his spouse, of the lands of the Dryppys, 4th March 1371.

10. Omnibus hane eartam visuris vel audituris, Robertus de Maxuelle dominus de Mernnes, salutem in Domino: Noueritis nos dedisse, conecssisse, et hac presenti carta nostra eonfirmasse nobili viro ae consanguineo nostro, domino Johanni de Maxuell, militi, domino de Pollok infcriori, pro homagio et seruieio suo, totas terras nostras del Dryppys cum pertinenciis, in baronia de Kilbrydesehire, in vicecomitatu de Lanark; reseruato nobis et heredibus nostris monte ville del Dryppys proximiori, in cuius summitate lapis quidam est erectus, quemquidem montem pro curiis nostris tenendis ibidem reseruamus, quotiens contigerit nos plaeitare dictas terras inhabitantes super iniuriis nobis aut heredibus nostris tantummodo commissis per eosdem: Tenendas et habendas eidem domino Johanni et domine Isabelle sue sponse, et eorum diucius viuenti, ac heredibus inter eosdem legittime procreatis seu proereandis; quibus deficientibus, quod absit, heredibus dicti domini Johannis, de nobis et heredibus nostris in feodo et hereditate; videlicet, in boscis, siluis et planis, viis et semitis, aquis et stagnis, moris, marresiis, pratis, pascuis et pasturis, molendinis et multuris, euriis et eseaetis, aucupacionibus, piseaeionibus, et venaeionibus, et eum omnibus aliis commoditatibus et aisiamentis et libertatibus et iustis pertinenciis ad dictas terras spectantibus vel spectare valentibus in futurum: Faeiendo inde dictus dominus Johannes et dicta domina Isabella, et eorum diucius viuens, ac heredes inter eosdem legittime proereati seu procreandi, quibus deficientibus, quod absit, heredes dicti quondam domini Johannis, domino de Kilbrydsehyr, seruicium pro dictis terris del Dryppys debitum et eonsuetum: Et nos vero Robertus et heredes nostri predictas terras del Dryppys eum pertineneiis supradictis eidem domino Johanni et dicte domine Isabelle, sponse sue, ac eorum diueius viuenti, ae eorumdem heredibus, per modum [ut] supra est expressum, contra omnes homines et feminas warantizabimus, aequietabimus, et imperpetuum defendemus: In cuius rei testimonium sigillum nostrum presentibus est appensum, apud Perth, quarto die mensis Marcii, anno Domini millesimo tricentesimo septuagesimo primo; testibus, nobilibus viris dominis, dominis Jaeobo

de Lyndsay domino de Craufurdelindesay, Alexandro Senescalli domino de Dernly, Adam de Foulerton domino de Corseby, Johanne Walays domino de Rieardtoune, militibus, Thoma Sympyll domino de Elyseston, Roberto de Pollok superiori, Johanne Tayt, et multis aliis.

CHARTER by ROBERT EARL OF STRATHERNE and EUFEMIA his Spouse, to JOHN OF MAXWELLE, of the east half of the lands of Bardralle, Baddynhath and Glenframedy, [c. 1366.]

11. Omnibus hane eartam visuris vel audituris, Robertus Seneseallus Scotie ac Comes de Stratherne, et Eufemia sponsa sua, comitissa de Morauia, salutem in Domino sempiternam: Seiatis nos dedisse, et per presentes eoncessisse dileeto et fideli nostro Johanni de Maxwelle, pro servitio suo nobis impenso et impendendo, totam dimidietatem orientalem omnium terrarum nostrarum de Bardralle eum pertinentijs, una cum dimidietate orientali terre nostre de Baddynhath, ac etiam eum dimidietate orientali terre nostre de Glenframedy, cum pertinentijs, infra eomitatum de Stratherne: Tenendas et habendas predicto Johanni, heredibus suis et suis assignatis, de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et divisas suas in perpetuum, libere, quiete, plenarie, bene et in paee, in moris, maresijs, turbarijs, petarijs, pascuis pratis et pasturis, vivarijs, stagnis, aquis, molendinis, multuris, planis, boseis, silvis, vijs, semitis, eurijs et eseheatis, piscationibus, aucupationibus, venationibus, et cum omnibus alijs eommoditatibus, libertatibus et aysiamentis, tam non nominatis quam nominatis, tam sub terram quam supra, ad dictas terras spectantibus seu in futurum spectare valentibus quoquo modo: Faeiendo inde annuatim dictus Johannes, heredes sui aut sui assignati, nobis et heredibus nostris tres seetas eurie nostre de Stratherne ad tria capitalia placita; et inde reddendo annuatim prefatus Johannes, heredes sui aut sui assignati, nobis et heredibus nostris unum par alborum ealcarium vel duodeeem denarios sterlingorum nomine albe firme, ad festa penteeostes, si petantur, pro warda, relevio, et maritagio, et pro omnibus alijs servitijs seeularibus, exaetionibus, eonsuetudinibus, seu demandis que de dictis terris exigi poterint aut requiri a quocunque. Et nos uero Robertus et Eufemia predieti, et heredes nostri, predietas terras eum pertineneijs in omnibus et per omnia, ut prefatum est, predieto Johanni, heredibus suis et suis

Omnibus hanc cartam visuris vel audituris ... Dauid Se
se concessisse et hac presenti carta mea confirmasse dilco et fili
totam dimidietatem orientalem omnium terrarum nativum de Baudrall
cum dimidietate orientali terre nostre de Glenfiunedy cum pmencyem
Johannes non vi aut metu ductus nec errore lapsus set mera ℔ sponta
resignauit Tenendy et habendy totas et integras predictas terras cum p
ac heredibus inter ipsos procreatis seu procreandis quibz forte defue
nobis ℔ heredibus nostris in feodo et hereditate per omnes rectas met
vsys turbarys petarys pasuis pratis et pasturis duarys stagn
saciombus andpaciombus denaciombus et cum omnibus alys co
terrarum ℈ supra ad dictas terras spectantibus seu spectare valentibus
aut sint assignati nobis et heredibus meis tres sectas aure mee de Stratht
des sin aut sin assignati nobis et heredibus meis dmm pur albarum e
si petantur pro warda releuio ℔ maritagio ac pro omnibz alys secur
runt aut regnum a quocunqz ... In cuius rei testimonium presenti carte
Johanne dñi nostri Regis Scotie primogenito Comite de Carrik et
de Lyndesay Roberto de Erskyne Hugone de Eglyngton Thoma de
quinto decimo Tricentesimo Septuagesimo Secundo

Stewart Comes de Strathern Salutem in domino sempiternam Scatis nos dedisse
et concessisse dilecto nostro domino Johanni de Lyndesay militi pro seruicio suo nobis impenso et impendendo
quendam vastum mensuram dimidietate orientali terre nostre de Baddynhath ac ecclesiam
de Kynnethmonth cum tertia comitatum de Strathern que fuerunt dicti domini Johis et quas idem dominus
de sua bona voluntate sua nobis per fustum et baculum sursum reddidit puras et simpliciter
in manus nostras predicto domino Johanni et Isabelle sponse sue carissime consanguinee me
dictis quibus quod absit heredibus legitimis predicta domini Johannis siue assignatis de
nobis et dominicas suas imperpetuum libere quiete plenarie bene et in pace in omnibus ma
dominiis molendinis multuris plenis bosco silua bruera semitis curiis et eschaetis pri
uilegiis libertatibus et aysiamentis tam non nominatis quam nominatis tam subtus
terram quam desuper Faciendo inde annuatim dicti Johannes et Isabella heredes siu
dictis tria capitalia plicata et inde reddendo annuatim predicti Johannes et Isabella here
dibus nostris vel nostris heredum tenentes sterlingorum nomine alle firme ad festa Pentecost
et sancti Martini pro omnibus secularibus exactionibus consuetudinibus seu demandis que de dicte terre aliqui pote
rint exigi aut requiri Nos precipimus apponi sigillum Testibus nobilibus viris et potentibus dnis
Roberto Comite de Fyff et de Menetreth senescallo Scotie fratribus nostris carissimis Jacobo
de Dyne militibus ac multis aliis Apud Edynburgh die decimo mensis may Anno

assignatis, eontra omnes homines et feminas warantizabimus, aequietabimus, et in perpetuum defendemus : In euius rei testimonium presenti earte sigilla nostra feeimus apponi ; hijs testibus, nobilibus viris, Dominis Hugone de Eglynton, domino ejusdem, Adam Foulerton domino de Corsby, militibus, Johanne Tayt, Willelmo de Glasfryth, Johanne Gray del Estwood, Johanne Logan, et multis alijs.

Charter of Confirmation by David Stewart, Earl of Stratherne, to Sir John of Maxwell, knight, and Isabella his spouse, of the east half of the lands of Bardralle, Baddynhath and Glenframedy, 10th May 1372.

12. Omnibus hane eartam visuris vel audituris, Dauid Senesealli eomes de Stratherne, salutem in Domino sempiternam : Seiatis nos dedisse, eoneessisse, et hac presenti earta nostra eonfirmasse dileeto et fideli nostro Domino Johanni de Maxwell, militi, pro seruieio suo nobis impenso et impendendo, totam dimidietatem orientalem omnium terrarum nostrarum de Bardralle eum pertineneiis, vnaeum dimidietate orientali terre nostre de Baddynhath, ae eeiam eum dimidietate orientali terre nostre de Glenframedy eum pertineneiis, infra eomitatum de Stratherne, que fuerunt dieti Domini Johannis, et quas idem Dominus Johannes, non vi aut metu duetus, nee errore lapsus, set mera et spontanea voluntate sua, nobis per fustum et baeulum sursum reddidit, pureque et simplieiter resignauit : Tenendas et habendas totas et integras predietas terras eum pertineneijs predieto Domino Johanni et Isabelle sponse sue, earissime eonsanguinee nostre, ac heredibus inter ipsos proereatis seu proereandis, quibus forte defieientibus, quod absit, heredibus legitimis predieti Domini Johannis siue assignatis, de nobis et heredibus nostris in feodo et hereditate, per omnes reetas metas et diuisas suas imperpetuum, libere, quiete, plenarie, bene et in paee, in moris, maresijs, turbarijs, petarijs, paseuis, pratis et pasturis, viuarijs, stagnis, aquis, molendinis, multuris, planis, boseis, siluis, vijs, semitis, eurijs et esehaetis, piseaeionibus, aueupaeiomibus, venaeionibus, et eum omnibus alijs eomoditatibus, libertatibus, et aysiamentis, tam non nominatis quam nominatis, tam subtus terram quam supra, ad dietas terras speetantibus seu speetare valentibus infuturum quoquo modo : Faeiendo inde annuatim dieti Johannes et Isabella, heredes sui aut sui assignati, nobis et heredibus nostris, tres seetas eurie nostre de Stratherne ad tria capi-

talia placita ; et inde reddendo annuatim prefati Johannes et Isabella, heredes sui aut sui assignati, nobis et heredibus nostris vnum par alborum calcarium, vel duodecim denarios sterlingorum, nomine albe firme, ad festa pentecostes, si petantur, pro warda, releuio, et maritagio, ac pro omnibus alijs seruicijs secularibus, exactionibus, consuetudinibus, seu demandis que de dictis terris exigi poterunt aut requiri a quocunque : In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum ; testibus, nobilibus viris et potentibus dominis, Johanne Domini nostri Regis Scotie primogenito, comite de Carrik et Senescallo Scotie, Roberto comite de Fyff et de Meneteth, fratribus nostris carissimis, Jacobo de Lindesay, Roberto de Erskyne, Hugone de Eglyntoun, Thoma de Erskyne, militibus, ac multis alijs. Apud Edynburgh, die decimo mensis Maij, anno Gracie millesimo trecentesimo septuagesimo secundo.

Charter of Confirmation by King Robert II. to John of Maxwell, knight, and Isabella his spouse, niece of the King, of the east part of Bardre and Bardynhayth, 24th April [1374.]

13. Robertus Dei gratia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem : Sciatis nos approbasse, ratificasse, et hac presenti carta nostra confirmasse donacionem illam et concessionem quas dilectus filius noster, Dauid comes de Stratherne, fecit et concessit dilecto et fideli nostro Johanni de Maxwell, militi, de orientali parte de Bardre et de orientali parte de Bardynhayth, cum pertinenciis, in comitatu suo de Stratherne infra vicecomitatum de Perth : Tenendas et habendas dicto Johanni et Isabelle sponse sue, nepoti nostre dilecte, et eorum alteri diucius viuenti, ac heredibus inter ipsos legitime procreatis seu procreandis, quibus forte deficientibus, heredibus dicti Johannis legitimis quibuscunque, in feodo et hereditate, per omnes rectas metas et diuisas suas, cum omnibus et singulis libertatibus, commoditatibus, aysiamentis, et iustis pertinenciis quibuscunque ad dictas terras spectantibus, seu quomodo iuste spectare valentibus infuturum, adeo libere et quiete in omnibus et per omnia sicut carta dicti filii nostri dicto Johanni exinde confecta in se iuste continet et proportat ; saluo seruicio nostro : In cuius rei testimonium presenti carte confirmacionis nostre nostrum precepimus apponi sigillum ; testibus, venerabili in Christo patre, Willelmo Episcopo Sancti Andree, Johanne primogenito

nostro comite de Carryk, Senescallo Scocie, Roberto comite de Fyff et de Menteth filio nostro dilecto, Willelmo comite de Douglas, Johanne de Carryk, cancellario nostro, Archebaldo de Douglas, Jacobo de Lyndesay nepote nostro, Hugone de Eglyngtoun et Roberto de Erskyne, militibus. Apud Edynburgh, vicesimo quarto die mensis Aprilis, anno regni nostri tercio.

Charter of Excambion of the lands of Barderole for the lands of Jactoun, by John of Maxwel, Lord of Pollok, to Bernard of Hauden, knight, 6th May 1388.

14. Omnibus hanc cartam visuris vel audituris, Johannes de Maxwel dominus de Pollok, salutem in Domino sempiternam: Noueritis me cambiuisse, et titulo excambii dedisse, concessisse, et hac presenti carta mea confirmasse Domino Bernardo de Haudene, militi, omnes et singulas terras meas de Barderole, cum pertineneiis, iacentes in comitatu de Stratherne, infra vicecomitatum de Perth, pro terris de Jactoun iacentibus infra vicecomitatum de Lanark, cum suis pertinenciis quibuscunque: Tenendas et habendas omnes et singulas predictas terras de Barderole cum pertinenciis predicto Bernardo, heredibus suis et assignatis, de me et heredibus meis, cum omnibus suis iustis pertinenciis, in moris, miris, marisiis, pratis, pascuis, pasturis, stangnis, aquis, viuariis, molendinis, multuris, braeinis, fabrelibus et eorundem sequelis; cum curiis et curiarum esehaetis, necnon cum omnibus aliis libertatibus, commoditatibus et aysiamentis quibuscunque, tam prope quam procul, tam sub terra quam supra terram, tam nominatis quam non nominatis, ad predictas terras spectantibus seu quomodolibet spectare valentibus in futurum, adeo libere, quiete, plenarie, pacifice et honorifice sicut ego dictus Johannes predictas terras cum pertinenciis aliquo tempore liberius, quiecius, pacificencius vel honorificencius de domino meo comite de Stratherne tenui et possedi: Reddendo inde annuatim ipse Dominus Bernardus, sui heredes et assignati, michi et heredibus meis vnum denarium argenti, nomine albe firme, ad festum pentecostes super ipsius terre solum, si petatur tantum, pro warda, releuio, maritagio, secta curie, homagio et fidelitate, et pro omnibus aliis seruiciis secularibus, exaccionibus, seu demandis que de dictis terris cum pertinenciis quouismodo per me vel heredes meos in futurum exigi poterunt vel demandari: Faciendo inde idem Dominus Bernardus, heredes sui et assignati, Domino comiti de Stratherne et heredibus suis seruicium debitum et consuetum, prout in carta

dicti Domini comitis per eundem Dominum comitem exinde confecta plenius in se proportat et testatur: Et ego vero dictus Johannes de Maxwel et heredes mei inter me et Izabellam de Lyndesay quondam sponsam meam procreati, quibus forte deficientibus, veri heredes mei quicunque, omnes et singulas predictas terras cum pertinenciis, in omnibus et per omnia ut supra dictum est, predicto Domino Bernardo, heredibus suis et assignatis, contra omnes homines et feminas warantizabimus, acquictabimus, et per presentes defendemus: In cuius rei testimonium huic carte mee sigillum meum est appensum, apud Edynburgh, sexto die mensis Maij, anno Domini millesimo ccc^mo^ octogesimo octauo; hiis testibus, reuerendis dominis, Domino Roberto Senescallo comite de Fife, Domino Jacobo comite de Duglas, Waltero Trayil, Johanne de Peblis, cancellario, episcopis Sanctiandree et Dunkeldensi, Jacobo de Lyndesay Domino de Crauford, Patricio de Grame Domino de Kyncardyne, militibus, Johanne de Sancto Claro, Alexandro de Cockbeurne, et Johanne de Droumound, cum multis alijs.

5. Charter of Confirmation by Eufemia Countess of Stratherne to John of Hauden, knight, of the lands of Barderoll, 26th June 1414.

15. Eufemia Comitissa palatina de Stratherne, uniuersis sancte matris ecclesie filijs ad quorum notitiam presentes litere peruenerint, salutem in Domino: Noverit uniuersitas uestra nos in nostra pura et legitima widuitate constitutas, dedisse, concessisse, ac pro nobis et heredibus nostris confirmasse dilecto et fideli nostro Joanni de Hauden, militi, illas donationem et concessionem de terris de Barderoll, jacentibus infra comitatum nostrum predictum, quas fecit et concessit quondam Johannes de Maxwell Dominus de Pollok quondam Domino Bernardo de Hauden, militi, patri dicti Johannis de Hauden, militis: Tenendas et habendas totas terras de Barderoll predictas, cum pertinentijs, predicto Johanni de Hauden et heredibus suis de nobis et heredibus nostris in feodo et hereditate in perpetuum, in omnibus punctis, clausulis, modis, formis et conditionibus, sicut carta dicti quondam Johannis de Maxwell predicto quondam Domino Bernardo inde tradita et confecta in se plenius continet et proportat: In cuius nostre confirmationis testimonium sigillum nostrum presentibus est appensum, apud Perth, vicesimo sexto die mensis Junij, anno Domini millesimo quadringentesimo decimo quarto.

CHARTER by JOHN OF MAXWELL, Lord of Pollok, to his son ROBERT OF MAXWELL, of the land of Jaekstoun, 15th May 1390.

16. Omnibus hanc cartam visuris vel audituris, Johannes de Maxwell, Dominus de Pollok, salutem in Domino sempiternam. Vestra nouerit vniucrsitas nos dedisse, concessisse, et hac prcsenti carta nostra eonfirmasse carissimo filio nostro Roberto de Maxwell, tanquam assignato nostro nobis eonccsso facere assignatum per Jacobum Scncseallum dominum supperiorem, totam terram nostram dc Jaekstoun cum pertinencijs, jaeentem in baronia dc Kylbride infra vieeèomitatum de Lanark: Tcnendam et habendam eidem Roberto et hercdibus suis masculis de suo eorpore legitime procreatis vel procrcandis; quibus vero dcficientibus, heredibus Domini Johannis de Maxwell filii nostri maseulis de suo eorporc legitime procreatis vel proereandis; et deficientibus vero heredibus masculis predieti domini Johannis, quod absit, heredibus predicti Roberti quibuscunque magis legitimis et propinquioribus, in feodo et hereditate, per omnes reetas metas et diuisas suas, adeo liberc et quiete, plenarie, integre et honorifiee, bene et in pace, eum eurijs et cxitibus euriarum, molendinis et multuris, pisearijs et venaeionibus, aueupaeionibus, moris et morisijs, stangnis et aquis, vna cum omnibus alijs libertatibus, eommoditatibus, esehaetis et aysiamentis, tam non nominatis quam nominatis, tam subtus terram quam supra terram, ad dietam terram speetantibus seu iuste spectare valentibus in futurum: Reddendo inde domino supperiori seruieium debitum et eonsuetum, pro omni alio seruieio que per nos vel heredes nostros cxigi poterunt vel rcquiri. In cuius rei testimonium sigillum nostrum presentibus est appensum: Datum apud Pollok, quintodeeimo die May, anno Domini millesimo ecc^mo^ nonogesimo; hijs testibus, nobilibus et diseretis viris et dominis, Willelmo de Cunyngham filio, Alano de Catkerth, et Johanne de Maxwell filio, militibus, et Willelmo de Maxwell, cum multis alijs.

CHARTER by JAMES STEWARD, Lord of Kylbride, to ROBERT OF MAXWELE, son of Sir John of Maxwele, Lord of Nether Pollok, of the lands of Jactoun, 25th January 1394.

17. Omnibus hoc scriptum visuris vel audituris, Jacobus Senescallus dominus de Kylbride, salutem in Domino sempiternam. Noueritis nos dedisse, concessisse,

et hoe presenti scripto nostro confirmasse dilecto nostro Roberto de Maxwele, filio domini Johannis de Maxwele domini de Pollok inferiori, et heredibus suis masculis de corpore suo legittime procreatis seu proereandis, omnes terras de Jactoun cum omnibus iustis pertinencijs suis, prout iacent in baronia nostra de Kylbride infra vicecomitatum de Lanark; quas terras cum pertinentijs suis dictus dominus Johannes de Maxwel, pater, non vi nec metu nec errore lapsu[s], sed sua mera et spontanea voluntate, nobis pure et simpliciter cum fuste et baculo in presencia plurimorum sursum reddidit et resignauit: Tenendas et habendas omnes dictas terras cum omnibus pertinenciis suis dicto Roberto et heredibus suis masculis de corpore suo legittime procreatis seu proereandis, de nobis et heredibus nostris in feodo et hereditate, cum omnibus libertatibus, commoditatibus, asiamentis, tam sub terra quam supra terram, tam non nominatis quam nominatis, ad dictas terras spectantibus seu quoquomodo spectare valentibus in futurum, ita libere et quiete sicut dictus dominus Johannes seu predecessores sui aliquo tempore de nobis seu de predecessoribus nostris tenuit seu tenuerunt; et si contingat dictum Robertum decedere ante dictum dominum Johannem, patrem suum, per presentes damus et concedimus omnes dictas terras cum pertineneijs suis dicto domino Johanni, pro toto tempore vite sue, et post decessum ipsius domini Johannis, heredibus masculis dicti Roberti de corpore suo legittime procreatis; ipso vero Roberto deficiente absque huiusmodi heredibus masculis de corpore suo legittime procreatis, domino Johanni de Maxwele, militi, filio et heredi predicti domini Johannis, et heredibus suis masculis de corpore suo legittime procreatis seu proereandis; ipso domino Johanne deficiente absque huiusmodi heredibus masculis de corpore suo legittime procreatis, volumus et per presentes concedimus quod diete terre cum omnibus iustis pertinenciis suis heredibus quibuscunque predicti Roberti integre et imperpetuum reuertantur: quasquidem terras cum omnibus pertinenciis suis, in omni puncto et articulo ac omnibus modis et formis supradictis, contra omnes homines et feminas warrantizabimus, aequietabimus et imperpetuum defendemus: In cuius rei testimonium sigillum nostrum presentibus coram pluribus apponi fecimus. Datum apud Ruthglen, in festo conuersionis Sancti Pauli Apostoli, anno Domini millesimo ccc^{mo} nonogesimo iiij^{to}.

INSTRUMENT OF PUBLICATION, on 4th September 1401, of a Charter by ARCHIBALD EARL OF DOUGLAS to JOHN of Maxwell, knight, and ELIZABETH his spouse, of the lands of Qwhitchestre, dated 6th May 1399.

18. In Dei Nomine Amen. Vniuersis presens publicum instrumentum inspecturis uel audituris pateat manifeste, quod anno a Natiuitate Domini millesimo quadringentesimo primo, indictione octaua, mensis Septembris die quarta, pontificatus sanctissimi in Christo patris et domini nostri, domini Benedicti diuina prouidencia pape terciidecimi anno nono: In mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis vir, Dominus Johannes de Maxwell, miles, Dominus de Pollok, quamdam literam quondam magnifici et potentis domini, domini Archebaldi de Dowglas, Comitis eiusdem ac Domini Galuidie et de Bothvyll, non rasam, non abolitam, nec aliqua parte viciatam, atque cum sigillo dicti domini Archebaldi sigillatam, cum nomine suo et armis suis in circumferencia, michi tradidit perlegendam; cuius quidem litere tenor sequitur in hec verba: Omnibus hanc cartam visuris uel audituris, Archebaldus Comes de Dowglas, Dominus Galuidie et de Bothvill, salutem: Noueritis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilectis nostris Johanni de Maxwell militi domino de Polloc, et Elizabeth sponse sue, et eorum alteri diucius viuenti, et heredibus inter ipsos legitime procreatis uel procreandis, quibus forte deficientibus, veris heredibus antedicte Elizabeth quibuscunque, pro homagio et seruicio eorundem nobis impenso et impendendo, omnes et singulas terras de Qwhitchestre cum pertinenciis, in baronia nostra de Hawic, infra vicecomitatum de Roxburgh; que fuerunt dicte Elizabeth, et quas eadem, non ui aut metu ducta, nec errore lapsa, sed sua mera ac spontanea voluntate, in sua pura et libera viduitate, nobis alias coram pluribus fidedignis personaliter sursum reddidit, et per fustim et baculum pure et simpliciter resignauit: Tenendas et habendas predictas terras cum pertinenciis eisdem Johanni et Elizabeth sponse sue, et eorum alteri diucius viuenti, heredibusque inter ipsos, ut predicitur, procreatis uel procreandis, quibus forte deficientibus, heredibus ipsius Elizabeth, vt predictum est, de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et diuisas suas, cum omnibus suis libertatibus, commoditatibus, et aisiamentis ad predictas terras spectantibus, seu iuste spectare valentibus in futurum, adeo libere et quiete prout ipsa Elizabeth uel predicessores

sui dietas terras eum pertineneiis, ante resignaeionem nobis faetam, liberius tenuit et possedit, tenuerunt uel possederunt: Faeiendo inde nobis et heredibus nostris predieti Johannes et Elizabeth et heredes sui, vt preseriptum est, forinseeum seruieium debitum et eonsuetum: In euius rei testimonium sigillum nostrum presentibus est appensum, apud Bothvill, sexto die mensis Maii, anno Graeie millesimo treeentesimo nonogesimo nono. Super qua quidem earta sie perleeta, predietus Dominus Johannes a me notario sibi publieum fieri petiit instrumentum, sumptibus suis et expensis: Aeta sunt hee apud Casselys in Carrie, anno, indietione, mense, die et pontifieatu premissis: Presentibus ibidem probis viris et fidedignis, Johanne Kenedy domino de Bomonyn, Thoma M'Dowill, Maleolmo de Culehone, Johanne de Sandilandys, Nicholao Gray et multis aliis, testibus ad premissa voeatis speeialiter et rogatis.

Et ego Walterus de Are, elerieus Glasguensis dioeesis, publieus apostoliea et imperiali auetoritate notarius, premisse earte tradieioni et perleetioni, vnaeum prenominatis testibus, presens fui, eaque sie fieri vidi et audiui, hoe instrumentum manu propria seripsi, et in hane publieam redegi, ipsamque eartam sie copiaui, nil addens uel minuens quod sensum mutare poterit aut intelleetum variare; hieque me subseripsi, et signo meo solito signaui, requisitus speeialiter et rogatus in testimonium premissorum.

WALTERVS ARE.

CONFIRMATION by JAMES STEWART, Lord of Kilbryde, of the gift by SIR JOHN OF MAXWEL, Lord of Nethir Pollok, to his son ROBERT, of the lands of Caldorwude, 21st Oet. 1400.

19. Be it knawyn til all men be thir present letters, me Jamis Stewart, Lorde of Kilbryd, til haffe ratifyte and eonfermyte, and be thir present my letters ratifys and eonfermys, for me and myn ayris, the gyft at Sehyr Jon of Maxwel, Lorde of Nethir Pollok, haffis geuyn til his luuyd sone, Robert of Maxwel, my eosyn, his ayris and his assignes, of the landis of Caldorwude wyht the pertenans, lyand in my sayd baronry of Kilbryde, wythtin the seheraffdom of Cliddisdall, wyht all eomodites and esmentis to the sayd landis, wyht the pertenans pertenand, on the manir, furme and effeete, as it proportis in the charter thar of to the sayd Robert made be the forsayd Schyr Jon his fader; sauand to me my

seruys aught and custum thar of. In the wetnes of the qwilk thing, in the absens of my auwyn seale, I procuryde the scale of a nobil and wurthy man, Thomas Bode, Lorde of Kilmernow, to thir presentis letters to be pute to, at Dunbretane, the xxi day of the muneth of Octobcr, the zer of our Lord a thousand and four hunir.

INDENTURE between SIR JOHN MAXWELL, knight, Lord of Nether Pollok, and SIR JOHN MAXWELL, knight, and ROBERT MAXWELL, his eldest and second sons, 18th December 1400.

20. This endentour, made at Dunbretane, the xviij day of December, the zer of Grace a thousand four hundreth, in presens of nobyl men and mychty, that is to say, Maister Walter of Danyelston, Thomas Boyd, lord of Kylmernok, Patrik Flemyng, lord of the Bord, Schyr Jon of Hamyltoun knycht, lord of Bothernok, Vmfray of Culqhunc lord of that ilk, and othir syndry, beris wytnes that it is acordit betwene nobyl men, that is to say, Schyr Jon of Maxwel, Knycht, Lord of Nethir Pollok, hys sone Robert on the ta part, and Schyr Jon of Maxwel, knycht, the sone and the air of the forsayd Schyr Jon the fader, on the tother part, in the maner and forme as eftir folowys, that is to say, at the forsayd Schyr Jon the fader and Robert hys sone sal gyf vp in the owr lardis hand the ten markis worth of land the qhwylk is callit Murraf and the Hedhouse, lyand in the barounry of Kylbryde within the schirafdome of Lanark, als sune as assent of the owr lard may be gotyn tharto ; to the qhwylk consent the sayd Schyr Jon the fader, Schyr Jon the sone, and Robert forsayd, fayth gangand betwen, sall do thair ful besynes but fraude or gyle, sua at the forsayd Schyr Jon the sone sal haf thairof tyl hym and hys airis herytabyl state and possessyoun, the qhwylk forsayd consent of the owr lard faylzand at it may nocht be gotyn, the forsayd Robert oblysis hym and hys airis, in the maner of oblygacioun as eftir folowys, tyl gyf to the forsayd Schyr Jon the sone and hys airis zer be zer, at twyn termys, ten mark of vsual mone, qhwyl the forsayd land restis with hym or hys airis vngyffyn vp in the sayd owr lardis hand and herytabyl state thairof gyffyn to the sayd Schyr Jon the sone and hys airis: Alsua it is acordit at the forsayd Schyr Jon the fader sal gyf herytabyl state and possessyoun of the fee, betvys

this and wytsunday, to the forsayd Schyr Jon the sone and hys airis, of the land that was conquest fra Alysunder Tayte, lyand in the barounry of Renfrew, the qhwylk ys callit Castelbar, Mathowbar, and Dykbar, and thairof within the sayd tyme mak hym or thaim be the Kyngis confirmacioun sykyr, lelyly wyth al besynes; the qhwylk thyng faylzand, and namly gyf it beys nocht done wyth in the tyme of the forsayd Schyr Jon the fader, Robert hys sone ys oblyst to pay fyfty mark for that land eftir the dyssese of hys fader to the sayd Schyr Jon the sone and hys airis, at twyn termys nest folowand, gyf the sayd Schyr Jon the son had lefar chese the fyfty mark na the aventur of the land; the sayd chose tane, the sayd Schyr Jon the sone sal resyngne vp to the sayd Robert hys brothir all the rycht that in hym ys of that land, sua at thar duel bot the tane with Schyr Jon the sone forsayd, the qhwylk land is callit Castelbar, Mathowbar, and Dykebar, as is beforsayd; the frank tenement forsuth of this forsayd land dwelland wyth the forsayd Schyr Jon the fader for his tyme, the qhwylk forsayd land sal stand for fyfe markis worth of land: Alsua it is aeordit betwene the forsayd partcis, that is to say, at the forsayd Schyr Jon the fader and Robert oblys thaim, vnder the payn of the forsayd obligaeioun at eftir folowys, to gyf to the forsayd Schyr Jon the sone or hys airis tuenty pund of vsuale mone for the fourty sehylyne worth of land at remaynys of the achten markis worth, gyf the forsayd fourty sehylyne worth of land be noeht made be the forsayd Schyr Jon the fader in hys tyme to the sayd Schyr Jon the sone or hys airis, at the nest vsuale terme of Martynmes or Wytsunday eftir the dyssese of the sayd Sehyr Jon the fader: Alsua it is acordit that gyf it hapnis the forsayd Sehyr Jon the fader eftir hys dyssese ony dettis tyl aw, the forsayd Robert sal vnderga of tha dettis the tane half, gyf thair be nocht tyl assith thaim of hys awyn mofabyl gude: Alsua it is aeordit at the forsayd Sehyr Jon the fader, for na greyf, malyse, evyl wyl, na for na cause to this day donc na made, nowthir throw euydent na obligaeioun, na at may be done in tyme to cum, sal mak alienacioun na wedsettyng of na land, rent, possessyoun, na of na thyng at langis to the forsayd Schyr Jon the sone and hys airis in fee and herytag and specialy to the said Robert, na zit to nane othir, that is to say, Pollok, Murraf, Hedhouse, and Carnwoderik, the qhwylk forsuth Murraf and Hedhouse the sayd Robert has gyffyn tyl hys forsayd brothir thankfully, suppose it was talzit tyl hym of befor, bot gyf it be sene misterful and resonabyl cause but fraude or gyle: And attour to the mar

siekirnes of thys thyng, the sayd Sehyr Jon the fader bodyly has gyffyn gud fayth: Alsua it is aeordit that al landis and possessyonys gyffyn to the forsayd Robert, throw the forsayd Sehyr Jon the fader, vndir warandyse of hys airis, at the forsayd Robert sal resafe and resafys be thir present letteris tha ehargis of warandyse in hymself, and of tha ehargis the forsayd Robert for hym and hys airis quyte elemys the sayd Sehyr Jon the sone and hys airis for euermare; and tyl al thir thyngis, al and sum and ilkane be thaim self, lelyly to be haldyn the forsayd Sehyr Jon the fader and hys sone Robert joynly to gyder, oblyss thaim to fulfyll betwys this and Wytsunday, in maner as is befor wrytyn, nest folowand the makyn of thir presens, but langar differyng of tyme; and gyf it hapnis vs Jon the fader and Robert forsayd in thir sayd eonnandis in al or in sum to faylze, or in the mene tyme the forsayd Sehyr Jon the fader to dyssese, as God forbeyd it do, I Robert forsayd oblys me myne airis, sectouris, and assigneys, owr landis, rentis, and possessyonys, and al owr gud mofabyl and vnmofabyl qwhar euer thai be fundyn, to the forsayd Sehyr Jon the sone hys airis, sectouris, and assigneis, to be tane, pundit, and away led and sauld wythowtyn the lefe of ony mynystyr kyrk or seculer, qhwyl als wele of the eostis, scathis, and interes gyf the forsayd Schyr Jon the sone hys airis, seetouris, or assigneis in the defaute of thir eonnandis forsayd noeht haldyn, he sustenys or thai sustene, he makys or thai mak, as of the principale thyng fullyly be made hale, na remede of laeh eanoun na ciuyle to be proponit in the eontrary: And attour it is aeordit at the forsayd Sehyr Jon the sone sal gyf vp, quyte eleme, and be thir present letteris quyteelemys and gyffys vp, for hym and hys airis, al the ryeht at he had, haffys, or in ony tyme to eum may haf, for ony eause or ony rycht bygane, til ony land, rent or possessyoun, at the forsayd Schyr Jon the fader has gyffyn or grantit to the forsayd Robert hys sone, owther throw the taylze or othir way, bot thole the sayd Robert and hys airis joyis thaim frely in forme as thai ar taylzit wythowtyn questyoun, that is to say, the Dryppis, Jaetoun and Allertoun, Nevlandis, Caldorwod and Grene hyll, wyth the owr lardsehip of a quartar of Thorntoun, lyand in the barounry of Kylbryde, the twa Akynhedys in the Sehirafdome of Lanark, Hauksehawland, Fynglen, and Cartarhop in Twedemure, saufand the ten markys worth of land at is eallit Murraf and Hedhouse, Pollok and Carnwederyk, and saufand the sueeessyoun of lyne, gif it hapnis to faylze, of the forsayd Robert or his airis: And attour gyf it hapnis Schyr Jon

the son forsayd or hys airis thir forsayd connandis in ony [point or] artykyl tyl agayn cum, or tyl agayn say, or on ony maner of wyse agayn this present wyrt mute tyl inbryng or move, he oblysis hym and hys airis to the forsayd Robert and hys airis, [the first day] of the mute movyt, in a hunder pund of vsuale mone, to be payit befor at thai enter befor ony juge, in name of costis, seathys and intres, gyf the said Robert or his airis ony [makis, in] defaute of thir connandis forsayd nocht haldyn: And attour, on a hundreth pund of vsuale mone to the werk of the kyrk of Glasgu, in name of payn, to be raysit, this present endentour standand neuer the les in the awyn fors and vertu; and to the marc sykernes of thir thyngis forsayd to be kepit, aither of the parteis, the haly wangel tweehit, bodyly has gyffyn ath: In witnes of the qhwylk thyng the seel of the forsayd parteis enterchangabylly to this present wyrt ar to put; that is for to say, to the part of this endentour remaynand with the forsayd Schyr Jon the fader and Robert, the seel of the forsayd Schyr Jon the sone is to put, and for the mare sykernes of thir forsayd thyngis to the forsayd part remaynand with the forsayd Schyr Jon the fader and Robert, the seel of the sayd Master Walter wyth instans is procurit throw the forsayd Schyr Jon the sone to be to set; and to the part forsuth of this endentour remaynand with the forsayd Schyr Jon the sone the sele of the forsayd Schyr Jon the fader and Robert ar to put: and for the mare sykernes of thir forsaid thyngis, to the forsayd part remaynand wyth the forsayd Schyr Jon the sone the seel of Vmfray of Culqhwne forsayd with instans is procurit, throw the forsayd Schyr Jon the fader and Robert, to be to sett, at Dunbretane the day and zer forsayd.

Charter by Alexander Tayte, lord of Bardre, to Robert Maxwell, son of John Maxwell, knight, lord of Nether Polloc, of the lands of Bardre, 1st February 1400.

21. Omnibus hanc cartam visuris vel audituris, Alexander Tayte, dominus de Bardre, salutem in Domino sempiternam. Nouerit vniversitas vestra me dedisse, concessisse, et hac presenti carta mea confirmasse nobili viro, Roberto de Maxwell,

filio domini Johannis de Maxwell, militis, domini de Polloe inferiore, pro suo consilio, auxilio, et benemeritis mihi hucusque impensis, omnes terras meas de Bardre, jacentes infra vicecomitatum de Strathern : Tenendas et habendas omnes predictas terras, cum pertinenciis, per omnes rectas metas et diuisas suas, in longitudine et latitudine, predicto Roberto, heredibus suis et suis assignatis, a me, heredibus meis et meis assignatis, in feodo et hereditate imperpetuum, libere, quicte, plenarie, integre, honorifice, bene et in pace, et sine aliquo retenimento, in bosco et plano, cum moris et morrasiis, aquis, stagnis, et riuolis, cum aueupacionibus, venacionibus et piscariis, eum molendinis, multuris et eorum sequelis, eum eschaetis, curiis et eorum exitibus, et eum omnibus aliis et singulis libertatibus, commoditatibus, asyamentis, et justis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, tam procul quam prope, ad predictas terras cum pertinenciis spectantibus, seu de jure uel consuetudine spectare valentibus quomodolibet in futurum : Reddendo inde annuatim domino capitali dictus Robertus, heredes sui et sui assignati, apud locum capitalem de Bardre, duodecim denarios argenti, videlicet, vsualis monete Scoeie, nomine albe firme, si petatur tantum, pro omnibus aliis omnibus seruiciis, exactionibus seu demandis, que de dicta terra de Bardre cum pertineneiis exigi poterunt commodolibet vel requiri. In cuius rei testimonium sigillum meum presentibus est appensum, apud Ar, primo die mensis Februarii, anno Domini millesimo quadringentesimo.

Charter by John Maxwell, Knight, Lord of Pollok, to Robert Maxwell his Son, of the lands of Calderwood, 4th May 1401.

22. Omnibus hane cartam visuris vel audituris, Johannes de Maxwel miles, dominus de Pollok, salutem in Domino sempiternam. Nouerit vniuersitas vestra me dedisse, concessisse, et hae presenti carta mea, pro me et heredibus meis ac successoribus, inperpetuum confirmasse dilecto filio meo, Roberto de Maxwel, totas integras terras meas de Caldorwod, cum pertinenciis, jacentes in baronia de Kylbride, infra vicecomitatum de Lanark : Tenendas et habendas totas integras predictas terras de Caldorwod, cum pertineneiis, dicto Roberto et heredibus suis masculis et suis assignatis, ac eorum assignatis quibuscunque, de domino de Kylbride et heredibus suis, in feodo et hereditate inperpetuum, per omnes rectas

metas suas antiquas et diuisas, in boscis, planis, moris, marresiis, aquis, stagnis, viis, semitis, pratis, pascuis, et pasturis, molendinis, multuris et eorum sequelis, cum curiis, eschaetis et curiarum exitibus, aucupacionibus, venacionibus, et piscariis, fabrinis et bracinis, petariis et turbariis, vna cum communi pastura in communi de Kylbride, ac cum omnimodis aliis et singulis libertatibus, comoditatibus, et aysiamentis, ac iustis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul vel prope, ad dictas terras cum pertinenciis spectantibus, seu iuste spectare valentibus quomodolibet in futurum, sine aliquo retinemento in futurum, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut ego dictus Johannes aut predicessores mei dictas terras cum pertinenciis de dicto domino de Kylbride aut predicessoribus suis, ante dictam concessionem, liberius, quiecius, plenius, integrius aut honorificiencius, retroactis temporibus, tenui seu possedi, tenuerunt seu possederunt: Reddendo dictus Robertus et heredes sui masculi et sui assignati, ac eorum assignati quicunque, de dictis terris de Caldorwod cum pertinenciis, predicto domino de Kylbride et heredibus suis, sex denarios argenti annuatim, ad festum pentecostes, in ecclesia parochiali de Kylbride, nomine albe firme, si petantur tantum, pro wardis, maritagiis, releuiis, sectis curie, ac omnimodis aliis omnibus secularibus seruiciis, exactionibus, vel demandis, que de dictis terris cum pertinenciis, per me vel heredes meos vel alios quoscunque nomine meo, in futurum exigi poterunt vel requiri: In cuius rei testimonium sigillum meum presentibus est appensum, apud Pollok, quarto die mensis Maii, anno Domini millesimo quadringentesimo primo; hiis testibus, dominis Gilberto Kenydi, Alano de Kathkert, militibus, Hunfredo de Culquhown, et Alano de Hammyltoun, ac multis aliis.

Charter by John Maxwel, Lord of Nether Pollok, to Robert Maxwele his son, of the lands of Little Akynhed, [c. 1401.]

23. Omnibus hanc cartam visuris vel audituris, Johannes de Maxwel, dominus de Pollok inferiori, salutem in Domino sempiternam. Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse dilecto filio meo, Roberto de Maxwele, omnes terras meas de minore Akynhed cum pertinenciis suis, prout iacent infra vicecomitatum de Lanark: Tenendas et habendas omnes predictas

terras predicto Roberto, heredibus suis et assignatis, a me et heredibus meis in-perpetuum, sine aliquo retenemento, cum omnibus suis pertinentiis ad dictas terras spectantibus, seu quouismodo spectare valentibus infuturum, ita libere sicut ego vel aliquis predeeessorum meorum dietas terras cum pertinentiis suis tenuimus aut possidebamus : Faciendo inde domino capitali dietarum terrarum seruieium debitum et consuetum : In cuius rei testimonium sigillum meum presentibus est appensum.

INDENTURE between SIR DUNCAN, EARL OF THE LEVYNNAX, on the one part, and SIR ROBERT OF MAXWELL of Caldorwod and SIR WILLIAM OF CUNNINGHAM of Kilmawris, with consent of their spouses, daughters of Sir Robert of Danielstoun, 18th October 1405.

24. Thir Indenturis made at the Balacht, the xviii day of the monetht of October, the yheire of graee athousand four hundrez and the fyfft, eontenys and beris witnase that it is acordit betweyn Schir Duncane, Erle of the Levynnax, on the ta part, and Sehir Wyllame of Conynghame, Lorde of Kilmawris, and Schir Robart of Maxwelle, Lorde of Caldorwod, witht the consent and the assent of Margret and Elysabeth thair spousis, the doehteris of qwilome Schir Robart of Danielstoun, on the tothir part, in manere ass folowis ; that is for to wit, that the forsaide Erle sal ehartir and conferme the forsaidis Schir Willame and Schir Robart and thair forsaidis spousis, and thair ayris evmand betweyn thaim, of the landis of Aehyncloeh witht thaire apportenanse, that qwhilome warr Jone of Achinclochys, in lachful forme efftyr the condiscoun made betweyn the sayde partis : alsa it is acordit that the forsaidis Sehir Wyllame and Schir Robart, witht the consent and the assent of thair forsaidis spousis, has sett, and to ferme latyn to the forsaid Erle, for al the terme of the saide Erlys lyffe, al thaire landis of Errachy more, of Inchecallaeh, of Aehawle, and of Inchefad, with thair apportenanse, and al othir proffytis langand to the saide landis and ilys or may lang in tyme to evm, for the said Erlis lyff tyme, with al othir ilis langand to the forsaidis Schir Willame and Schir Robart and to thair spousis forsaidis beand within Lochlomond in the tyme of the making of thir Indenturis, for twelfe penys of syluyr yheir be zeire, to be paijd as male, at twa termys of the yheir be evynly poreiounis, that is to say, Witsonday and Martymes in wynter, to the forsaidis Schir Wyllame and Schir Robart, or til thair spousis or thair ayris or assigneijs,

giff it beis askyt, at the kyrk of Inchecallach, with the gyffing and the patronage of the said kyrke of Incheeallaeh alse offt as it happynnis to be vaeand within the said Erlis lyffe tyme, and to be gyffin at his lyking: alsa it is aeordit betweyn the said partis at the forsaid Erle sal nouther gyff, na selle, na analy of the woddis of the forsaidis ilis, but leyffe and assent of thaime at the wod aw, bot til the said Erlis awyn propir oyse in conabil maner; and the forsaidis Schir Willame and Schir Robart sal have thair awyn woddis to thair awyn propir oyse, at thair awyn lyking, in lyke maner: alsa the forsaidis Schir Willame and Schir Robart, witht the assent and the consent of thair fornemmit spousis, has relcschyt, remittyt, and for gyffin, for thaim and thair ayris, to the forsaid Erle and tyl his ayris, al wardis, mariagis, and relevis that qwhilom Walter Awlasoun the forsaid Erlis fadir was oblist and haldyn tyl Sehir Robart of Danyelstoun and til his ayris eeceeturis and assigncijs be lettris and selis, alse weil paijd as vnpaijd: alsa it is aeordit amang the said partis that the forsaidis Sehir Willame and Sehir Robart sal gar thair wyffis be oblist and sworne to the fulfilling and sykirnase of all the forsaid eonandis, for thaim and for thair ayris, be thair letters and thair selis and thair bodily athe qwhil the said Erle be sykir of the forsaidis landis and ilis as is befor writin for his lyffe tyme: alsa it is acordit amang the said partis at the said setting and maling sal nocht byn the saidis Sehir Willame na Schir Robart na thair wyffis na til thair ayris in hurting na in preiudyse bot as anialar, thir forsaid Indenturis beand of na valow cfftir the dissese of the forsaid Erle: And to the mar sykirte and fulfilling of al thir poyntis and articulis in thir indentouris contenit, the forsaidis partis twoehit the haly ewangelis, gaif bodily athe to hald ferme and stabil, but fraude and gyle, doute and myrknasc; and to the mar witnasc enterchangeabilly the forsaidis partis has sett to thair selis the yheir, day and plas beforsaid, with thir witnasc, Vmfary of Cvlqwhone lord of Luss, Dunean Cambale lord of Gavnanc, Gibbone of Galbreth, Robart of Cvlqwone, Jone of Ho[uston] and othiris many.

NOTARIAL INSTRUMENT relative to the partition of the lands of Hullirishedhil between JOHN STEWART, lord of Dernle, and SIR JOHN ROSS of Haukhed, 14th December 1413.

25. In Dei Nominc Amen: Per hoe presens publicum instrumentum eunetis patcat evidenter, quod anno ab Incarnatione Domini millesimo cecc° xiii°, indietione

sexta, decimo quarto die mensis Decembris, pontificatus sanctissimi in Christo patris ac domini nostri, domini Benedicti diuina providentia pape tertii decimi anno decimo nono : In mei notarii publici et testium subscriptorum presentia potentes ac magnifici domini, Johannes Senescallus de Dernle, dominus eiusdem, parte ex vna, et dominus Johannes de Ross, miles, dominus de Haukhed, parte ex altera ; qui quidem prenominati super partitione terrarum suarum de Hullirishedhil condiscendebant, et cum consensu ambarum partium, vicecomes regalitatis de Renfrew, videlicet, Johannes Simpil, dominus de Elliotstoune, de predicte regalitatis prudentioribus ac hominibus sapientioribus, qui optime se in partitione predicte terre intelligibant, quindecem quorum nomina sunt hec : Johannes de Quhetfurd dominus eiusdem, Johannes Norwald dominus de Cardownalde, Willielmus de Glasfurd dominus de Ester Neilstoune, Willielmus de Montegomorry dominus de Scottistoune, Johannes de Camera de Bagraw, Johannes Donaldi de Le, Robertus filius Thome de Le, Willielmus filius Johannis de Glanderstone, Johannes de Esdale de Dernle, Willielmus filius Jacobi de Dernle, Johannes de Bour, Ricardus Alexandri, Johannes de Kerswell, Adam Zung, et Donaldus de Ross, seriandus, consilio dominorum predictorum eligebat et ipsos onerauit sub suorum fide media ac super crucem iurare fecit, quod firmiter et fideliter, secundem suorum intellectum, predictam terram diuidere ac per metas debent departire, et tantum commune predicte terre domino Johanni de Ross satisfacere, quantum Johannes Quhetfurd habet in Hillfeild et Johannes Flemyng in the Allerris ; hoc est, dictum herbagium ad duodecem vaccas ; qui uero suprascripti homines predictam terram siue commune per metas diuisas departiebant : quarum metarum vnus finis incipiens ad metam domini Johannis Ross, proximam the Foulfurdhed, ascendendo vsque ad summitatem montis prenominati, et a summitate montis descendendo in medio de la sike in aquam de Lauerane. Post quidem vero metarum depositiones ac predictarum terrarum partitiones, predicti homines coram predictis dominis comparuerunt et ab ipsis dominis petierunt si ipsi de predicta partitione vnanimiter consentirent, ac firmiter et fideliter tenerent predictam diuisionem, qui publice dixerunt ita : Etiam predictus dominus Ross habebit semitam ac viam ad mossam, et post petarum suarum inductionem faciet vnam portam, seu reparare faciet suam foueam : Et super hoc predictus Johannes Ross a me notario publico sibi fieri petiit vnum publicum instrumentum : Acta

fuerunt hec loco, anno, die, indictione, mense, et pontificatu premissis: Testibus, Johanne Simpil domino de Elliotstone, domino Willielmo de Dalzell domino ejusdem, Roberto Senescallo de Bersqueib, Johanne Simpil de Perthwik, Johanne Simpil de Foulwod, et Johanne de Pollok domino ejusdem, armigeris et dominis, cum multis aliis dominis ad premissa vocatis specialiter et rogatis.

Et ego Walterus de Moderwell, clericus Glasguensis diocesis, publicus imperiali auctoritate notarius, premissis omnibus, dum sic fierent et agerentur, vna cum prenominatis testibus presens interfui; eaque sic fieri vidi et audivi, presens instrumentum inde feci, manu propria scripsi, signo meo consueto signaui, rogatus et requisitus in fidem et testimonium omnium premissorum.

INDENTURE betwixt JAMES STEWART, lord of Kilbrid, and SIR ROBERT MAXWELE, lord of Caldorwod, for the marriage of George Stewart, son and heir of the said James, and Marion, daughter of Sir Robert, 7th April 1416.

26. This Indentura mad at Lanark, the sevynd day of the moneth of Avirhil, the zer of our Lord a thowsand four honder and sexten, proportis and beris witnes that it is accordyt be tuen nobil men, Jamys Stewart lord of Kilbrid, on the ta part, and Sir Robert of Maxwele, Knycht, lord of Caldorwod, on the tothir part, in maner and form as eftir folowis; that is to say, that George Stewart, the sonn and the ayr of the said Jamys, sal spowse Marioun the dochter of the said Sir Robertis and his first wyfis; and the said Jamys sal infeft the saiddis childir, and the langar lefand of thaim, and the ayris command be tuen thaim, with fre charter and sesyng in his barony of Kilbryd witht the pertinence, vndir talze, falzeand of the ayris of the said childir, as God forbed, to the eldast of the said Jamys sonnys qwhilk happynys to be ayr, and til a dochter of the said Sir Robertis and his wyfis qwhilk the said Sir Robert thinkis best acordand to that said child, and thir said childir enterand in the said barony witht the pertinentis as ayris to the saiddis George and Marioun, and the mariage be tuen thaim to be fulfillit in the samyn maner; and gef it falzeis of the sonnys of the said Jamys, as God forbed, to the eldast dochter of the said Jamys and his wyfis, and til a sonn of the said Sir Robertis and his wyfis qwhilk at the said Sir Robert thinkis mast acordand to that dochter, ther said childir enterand as ayris in the said

barony witht the pertinentis be vertu of the said talze; and swa the mariage to be fulfillyt qwhil thai haf sonnys and dochterys, in maner and form with the first talze; and the said Sir Robert sal pay to the said Jamys ten pund of vsuale mone of Scotland, zer be zer at vsuale termys be evyn poreiouns, for al the term of the said Jamys lyf, for Philpyshil, for his part of Boysfeld and Ovir Caldorwod, and al the male of al the landis falland in ward in the said barony endurand the tym of the ward, and al the relefis and half eschetis of eourtis in the said barony happynand to be payt to the said Jamys in the said maner; and the tane half of the saiddis male and relefis alswele of wardis as of properteys the said Sir Robert sal pay to Ezabel the wyf of the said Jamys, for al the term of hir lyf efter the diseess of the said Jamys; for the qwhilkys paymentis lely and treuly with out fraud and gyle to be payt in maner and form as is befor said, the said Sir Robert oblisis hym, his ayris, exeeuturis, and assigneis, thair landis, rentis, possessiouns, and al thair gudis mouabil and vnmouabil, to the saiddis Jamys and Ezabel and thair assigneis, at thair wil to be distrenzyt as male, with out lef of ony Juge of eiuile or of canoun, efter the form of obligaeioun; and the said Sir Robert is oblist in al his lele besines and trauale to do his gudly power to recovir the lordschip of Elamtoun with the pertinentis, saufand at the said Sir Robert is noeht oblist to by thaim with his awne gudis: and gef it happynys, as God gef grace, the said Sir Robert to reeouer the said lordschip, gef mister be, the saiddis Jamys and Ezabel sal resyng the said lordsehipe, and the said Sir Robert sal ger the saiddis Jamys and Ezabele be joyntly sesyt in the frank tenement and the ehildir in the fee of the said lordschipe with the pertinentis, with eonnabil chartir of joynt feftment; the said lordschip of Elamtoun with the pertinentis beand recoueryt in the said maner throw the said Sir Robert, the sayd Sir Robert sal haf the sayd mariage fre, and the sayd landis of Elamtoun with the pertinentis in malyng for the ald male for term of sevyn zer next togedir efter thai be reeoueryt, vndir this eondieioun, the male to be payt with in fourty days next efter ilk term, the qwhilk payment falzeand, to be quit of his tak, the said Sir Robert findand hym borowys for the said male at his awne ehose; and the said landis beand fred throw the said Sir Robert, the saidis Jamys and Ezabel sal mak ten lib. of the male of the said landis zer be zer to the said childir endurand the tym of thair frank tenement: Alsua the said Jamys sal gef his pensioun of the eustum of Edynburgh, or ellse the

obligaeioun the qwhilk he has of Wil of Towriss, to the said Sir Robert to the suppleyng of the said childir and thair profitis: Alsua the said Sir Robert sal haf the said childir and thair landis in gouernance, with power of the said Jamys as tutowr to the perfyt eld of the said childir. And gef it happynys, as God forbed, the landis of Elamtoun to be vnreeoueryt throw the said Sir Robert, the saidis childir beand spowsit, for the said mariage the sayd Sir Robert oblisis hym and his ayris, exeeuturis and assigneis, thair landis, rentis, possessiouns, and al thair gudis mouabil and vnmouabil, in manir and form of obligaeioun, in a hundir pundis of vsuale mone of Seotland, to be payt to the said Jams and his ayris, at twa vsuale termys of the zer next eftir the mariage be fulfillyt, that is to say, Witsonday and Martinmes in wynter: And to the mar sekirnes of al and

sundry thir eondiciouns befor writyn, lely and treuly but fraud or gyle to be kepyt, athir party til othir haffis geffyn the trouthis of thair bodys. In the witnes of the qwhilk thing the sel of athir party forsaid to thir indenturis enterchangeabilly ar hyngyt, at Lanark, day and zer beforsayd.

Charter by Archibald Earl of Douglas to Sir Robert of Maxwele of Calderwod, knight, of the lands of Nethir Calderwode, 31st May 1416.

27. Omnibus hane eartam visuris uel audituris, Arehebaldus Comes de Douglas, Dominus Galwidie et Vallis Anandie, salutem in Domino sempiternam: Noueritis nos dedisse, eoneessisse, et hae presenti carta nostra eonfirmasse dileeto consanguineo nostro, Domino Roberto de Maxwele de Caldorwod, militi, pro suo seruieio et eoncilio nobis impensis, totas et integras terras nostras de Nethir Caldorwode, eum pertineneiis, iaeentes in baronia de Kylbryde infra vieeeomitatum de Lanark: Tenendas et habendas totas et integras predietas terras de Nethir Caldorwod, eum pertineneiis, predieto Roberto, heredibus suis et assignatis, de barone de Kylbryd et heredibus suis, in feodo et hereditate pro perpetuo, sine aliquo retenemento uel contradieeione, adeo libere, quiete, plenarie, integre, honorifiee, bene et in pace, per omnes rectas metas et diuisas suas, sieut nos predictus Arehebaldus uel aliqui predieessorum nostrorum aliquo tempore tenuimus uel tenuerunt predietas terras eum pertineneiis de predieto barone uel aliquo

predecessorum suorum, prout iacent in longitudine et latitudine, in boscis, planis, moris, marresiis, pratis, pascuis, et pasturis, viis, semitis, aquis, stagnis, molendinis et eorum multuris, venariis, petariis, turbariis, carbonariis, cum lapide et calce, ac curiis et earum exitibus et amerciamentis, aucupacionibus, venacionibus, piscariis, ac cum omnibus aliis commoditatibus, libertatibus et aisiamentis, ac justis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, tam procul quam prope, ad dictas terras de Nethir Caldorwod cum pertinenciis spectantibus, seu spectare valentibus quomodolibet in futurum : Et nos predictus Archebaldus [et] heredes nostri totas predictas terras de Nethir Caldorwode, cum pertinenciis, predicto Roberto heredibus suis et suis assignatis, ut predictum est, contra omnes mortales warantizabimus, acquietabimus, et imperpetuum defendemus : In cuius rei testimonium sigillum nostrum est appensum, apud Edynburgh, vltimo die mensis Maii, anno Domini millesimo cccc^mo^ decimo sexto.

Testament of Sir Robert Maxuel, knight, 7th September 1420.

28. Coram nobis officiali vicario seu vicesgerenti domini capicerii Caynonensis, presente et personaliter comparente in judicio venerabili viro, magistro Roberto Maupoint, magistro in artibus Parisiensi, habitatore Caynonensi, curie nostre jurato : Quiquidem magister Robertus primitus et ante omnia solempniter ex officio nostro requisitus et adjuratus super testamento seu vltima voluntate nobilis et potentis viri, Roberti de Maxuel, militis, de nacione Scocie, qui ad partes Francie pro vtilitate et deffensione regni se transtulerat, sicuti et innumerosi et multi alii nobiles ex nacione Scocie predicta se transtulerunt, nobis dixit, asseruit, et fide media affirmauit se testamentum seu vltimam voluntatem prefati militis, in presencia testium infrascriptorum, fecisse, passasse, et in notam recepisse, ac in formam redegisse modo et forma sequentibus reducisse.

In Nomine Domini Amen. Ego Robertus de Maxueil, miles, facio, con-

stituo et ordino testamentum meum seu vltimam voluntatem in forma et modo qui sequuntur. Primo, do et lego animam meam Deo omnipotenti, beatissime Virginis Marie, et toti curie celesti, et corpus meum sepeliendum in ecclesia fratrum minorum in ciuitate Andegauensi. Item, volo et ordino quod testamentum meum factum in regno Scotie, ante aduentum meum nunc ad partes Francie, habeat suum vigorem, et valeat in omnibus suis articulis in eodem expressis. Item, volo et ordino, ante omnia, quod debita mea in regno Francie, tam cappellanis quam seruitoribus meis, seu quibuscunque aliis debitoribus in hoc regno, persoluentur. Item, do dictis fratribus minoribus pro sepultura corporis mei et eorum precibus, triginta quatuor scuta auri. Item, aliis cappellanis pro celebrando missas pro anima mea viginti nobilia. Item, do et lego pro vna missa in eadem ecclesia per vnum de religiosis celebranda, per vnum annum computandum a die obitus mei, panem, vinum, et alia decem scuta auri. Item, pro cera, elemosinis dandis, missis celebrandis, et aliis religiosis mendicantibus illius ville Andegauensis, pro conducendo corpus meum ad sepulturam, triginta nobilia auri. Item, pro fabricando vnam sepulturam solemnem eleuatam cum ymagine corporis, secundum modum ordinatum per me et executores meos, cum certa clausura in dicta ecclesia, quinquaginta nobilia auri. Item, do et lego vxori mei vnam peluim argenteam et vnam aquaream et sex gobelletos infra dictam aquaream, et sex tasseas argenteas que sunt in ista villa de Chinon, et vnam cyphum argenteum copertum, vnum potum argenteum copertum, nouem vlnas de panno violeto, et haquenetam meam vereardam, si dicta vxor mea veniat ad partes Francie, et si non, vendatur et disponatur pro anima mea ad voluntatem executorum meorum. Item, do et lego filio meo primogenito vnam peluim argenteam et vnam aquaream cum sex gobelletis, tres potos argenteos, duodecim tasseas de minoribus, vnum beringault et vnam platam pro specieribus, dictam drageur Galice, vnum cyphum copertum deauratum, et duos alios cyphos copertos, totam integram armaturam meam factam apud Poictiers, vnum mantellum de damas foderatum de martres. Item, sorori mee, domine de Seer, do et lego tres tasseas argenteas. Item, Alano de Hammiltoun viginti nobilia auri et equum meum nigrum et vnam foderaturam de saygnes, et supplico heredi meo pro benedictione mea quod non difficiat dicto Alano nec vxori sue in necessariis pro toto tempore vite eorum. Item, quantum ad decem marchatas terre que inmediater fuerunt per me Fergusio Canedi, cedo juri meo dicto Alano et heredibus suis, et eos

eonstituo meos assignatos quo ad redempeionem dicte terre. Item, do Andrec Lindesay vna[m] armaturam, quam sibi tradidi, et vnum equum. Item, paruum Nieolaum Carlen, pagetum meum, relinquo filio meo primogenito, vt sibi det vitam, vestitum, et decem libras monete Scocie de firmis meis, quam summam habui a patre dicti Nicolai: Et volo insuper quod dictus heres meus sibi det alias decem libras predicte monete, cum venerit ad etatem virilem, ad maritagium dicti Nieolai vel ad sustentacionem suam. Item, quo ad alias decem marchatas terre quas ego possideo, que quondam fuerunt dicto Alano de Hammiltoun, ego pure et libere eedo juri meo dieto Alano et heredibus suis, et ipsos quitto ab omni pacto seu eontractu diete terre michi facto, pro me et heredibus meis, sic quod ipse et heredes sui sint homines filio meo et heredibus suis. Item, do et lego Johanni de Maxuel, consanguineo meo, vnam lauricam de Milam quam portabat mecum. Item, do Thome Thopias vnam togam de violeta. Item, quantum ad impignoracionem terre domini Johannis Sybaud, militis, dietam Brachty, et de Ovrcarmulo pro termino decem nouem annorum, secundum formam literarum dicti domini Johannis Sybaud super hoe michi eonfectarum, fructus et firmas illarum relinquo maritagiis filiarum mearum, sub eisdem modo et forma quibus michi obligantur diete terre. Et quia de dicta impignoracionc habeo duas literas, volo vt altera illarum cassetur et adnulletur in presencia dicti domini Johannis Sybaud. Item, volo quod viginti nobilia michi debita per dominum de Kakart sibi remittantur, dum tamen ipse velit adjuuare ad maritandum filias meas. Item, do et relinquo absolucionem eappitancorum qui sub me sunt, et pro quibus reeipio gagia et stipendia, et ad solucionem seruitorum et familiarium meorum, et auri fabrorum et aliorum quibus aliquid debeo, decemnouem centos francos michi debitos a domino Dalphino regenti Franciam, et octo viginti francos michi debitos a Laureneio de Durefort de Ruppella pro Colino Langlays; et similiter tres centos quinquaginta francos quos mecum habeo in deposito. Item, volo quod residuum omnium bonorum meorum existencium in Francia aut alibi, hie non legatorum, disponantur et vendantur per executores meos ad perficienda debita et legata mea, et ad disponendum in missis celebrandis et elemosinis dandis pro anima mea, secundum eonsciencias dictorum executorum meorum prout videbitur eis expedire. Et eligo et constituo executores meos ad predicta exequenda et eomplenda in regno Francie, Patrieium de Ogylby dominum de Grantdoun,

magistrum Johannem Gray Archidiaconum Candidecase, et dominum Thomam Wylt cappellanum meum; et do eisdem duobus, aut vni illorum, potestatem recipiendi, petendi debita mea in regno Francie, per quamcunque personam michi debeantur, et si necesse fuerit, debitores compellere et prosequi in judicio aut extra judicium; et eciam complendi hoc presens testamentum meum, et augmentandi aut minuandi, secundum neccessitatem, qualitatem et quantitatem bonorum meorum; et generaliter, do eisdem totam et talem potestatem sicut possum et debeo de jure aut de consuetudine: et pro laboribus dictorum executorum meorum, relinquo dicto Patricio de Ogylby vnam aquaream argenteam veratam ponderatam quatuor marchas, archas que est Andegauis, et dictis magistro Johanni Gray et domino Thome, cuilibet, viginti nobilia auri, et dicto domino Thome vnam huppellaudam meam de scarleta, foderatam minutis variis; et pro expensis dictorum executorum meorum, tam in funeracione mea quam pro debitis meis recuperandis, et aliis in quibus eos oportet facere magnos sumptus et expensas, do et lego quadraginta nobilia auri. Et ad hoc quod dictum testamentum meum in robore et firmitate pervalcat, supplico notario infranominato vt testamentum meum redigat, aut redduci faciat sub forma debita; necnon venerabili et circumspecto viro, domino capicerio Caynonensi, sigillum auctenticum curie sue spiritualis eidem apponat, et apponi faciat, ad maiorem roboris firmitatem: Acta fuerunt hec in villa Caynonensi, in domo dicti magistri Roberti Maupoint, notarii dicti capicerii Caynonensis, septima die mensis Septembris, anno Domini millesimo quadringentesimo vicesimo, circa horam terciam post meridiem, in presencia discreti viri Taxini Mauman, presbiteri, Johannis de Maxucil, Thome du Brueil, Fraliui du Brueil, vnacum pluribus aliis testibus ad premissa vocatis et rogatis specialiter: Quibus sic actis per dictum testatorem in presencia mei Roberti notarii infranominati testiumque suprascriptorum, predicti duo executores tunc presentes presentia, magister Johannes Gray et dominus Thomas Wyth, pecierunt a dicto domino testante, vbi erat dictum aurum quod in suo legauerat testamento? Quiquidem testator viue vocis oraculo respondit se habere apud Caynonem, in diuersis monetis auri quasi sommam centum quadraginta et duodecim nobilium; et Andegauis eciam in diuersis monetis auri ad valorem quasi vel circa ducentorum et decem scutorum auri monete Francie, quas sommas voluit secundum quod prius in suo testamento disposuerat exponi, et residuum pro anima eiusdem in missis celebrandis dari, erogari et distribui: Datum die et anno quibus supra.

Nos vero officialis vicarius seu vicesgerens prefati domini capicerii Caynonensis Turonensis diocesis, visa et matura deliberacione considerata relacione nostri predicti, testamentum seu vltimam voluntatem prelibati militis approbamus, ratifficamus, ac eidem fidem plenariam adhibere volumus et iubemus. Et quia idem notarius in manu ita est lesus et impeditus quod signum suum manuale minime scribere deposset aut valeat, ad requestam dicti nostri notarii in judicio nos requirentis, Nicolaum Richier presbiterum curie nostre notarium commissimus et tenore presencium committimus vt dictum testamentum seu vltimam voluntatem prefati militis in et loco dicti magistri Roberti notarii nostri signet, et signum suum manuaele ad maiorem roboris confirmacionem quc in nostro notariatus officio vtitur et vti consuetur apponat. Datum et actum in auditorio nostro in quo ad jura reddenda hora consueta sedere consueuimus, sub sigillo curie nostre predicte, die vicesima tercia mensis Aprilis, anno Domini millesimo quadringentesimo vicesimo primo.

N. Richer.

Charter of Confirmation by King James I., dated 4th May 1426, confirming a Charter by Murdoch Duke of Albany, Governor of Scotland, to Herbert Maxwel of Carlauerok, of the lands of Garnsalach and Dursqwhen, dated 28th October 1420.

29. Jacobus Dei gratia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos quandam cartam dilecti consanguinei nostri, quondam Murdaci Ducis Albanie, Comitis de Fyfe et de Menteth, tunc gubernatoris regni nostri, factam et concessam Herberto Maxwel de Carlauerok, militi, de omnibus et singulis terris de Garnsalach et de Dursqwen, ac molendino eiusdem cum pertinenciis, jacentibus in baronia de Dalswyntoun infra vicecomitatum de Drumfres, de mandato nostro visam, lectam, inspectam, et diligenter examinatam, non rasam, non abolitam, non cancellatam, nec in aliqua sui parte viciatam, sed omni prorsus vicio et suspicione carentem, intellexisse ad plenum sub hac forma: Mordacus Dux Albanie, Comes de Fyff et de Menteth, ac gubernator regni Scocie, omnibus probis hominibus regni predicti, clericis et laicis, salutem: Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto et fideli nostro Herberto de Maxwel de Carlauerok, omnes et singulas terras de Garnsalach et de Tusquen, cum molendino

eiusdem, cum pertineneiis, jacentes in baronia de Dalswyntoun infra vieecomitatum de Drumfres; que quidem terre eum pertinenciis fuerunt Marie Stuart de Dalswyntoun hereditarie, et quas eadem Maria, non vi aut metu dueta, nec errore lapsa, sed mera et spontanea voluntate sua, ae pura viduitate, in manus nostras, per suas literas patentes et procuratores, per fustem et baculum, sursum reddidit pureque simplieiter resignauit, ae totum jus et clameum que in dictis terris eum pertineneiis habuerit, uel habere poterat, pro se et heredibus suis, omnino quietum elamauit imperpetuum: Tenendas et habendas totas et integras terras eum pertineneiis, prefato Herberto de Maxwel et heredibus suis, de domino nostro Rege et heredibus suis, in feodo et hereditate imperpetuum; per omnes rectas metas suas antiquas et diuisas, vna eum molendino predicto, ae cum omnibus aliis et singulis libertatibus, eommoditatibus et asiamentis, ae iustis pertinenciis quibuscunque ad predictas terras et molendinum eum pertinentiis speetantibus, seu iuste spectare valentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sieut predieta Maria Stewart aut predecessores sui predietas terras et molendinum cum pertineneiis, ante dictam resignationem nobis inde faetam, liberius de domino nostro rege aut predecessoribus suis tenuit uel possedit, tenuerunt aut possederunt: Faciendo annuatim dictus Herbertus et heredes sui domino nostro Regi et heredibus suis, de predietis terris et molendino eum pertineneiis seruieia debita et eonsueta: In euius rei testimonium presenti earte nostre magnum sigillum offieii nostri apponi preecpimus: Testibus, reuerendo in Christo patre, Willelmo Episcopo Dunblanensi, Alexandro Stuart de Leuenax, filio nostro, Roberto Stwart de Lorne, Willelmo Lyndesay de Rossy, Johanne Forstare de Corstorfyn, eustode magni sigilli nostri, Roberto de Conyngham de Kylmaurys, et Alano de Ottyrburne, secretario nostro; apud Edynburgh, viecsimo octauo die mensis Octobris, anno Domini millesimo quadringentesimo vicesimo, et gubernacionis nostre primo. Quamquidem cartam, donacionem et coneessionem in eadem contentas, in omnibus punctis suis et articulis, condicionibus et modis, ae circumstanciis suis quibuscunque, forma pariter et effectu, in omnibus et per omnia approbamus, ratificamus, et pro nobis et heredibus nostris imperpetuum confirmamus; saluo seruicio nostro: In euius rei testimonium presenti carte nostre confirmacionis magnum sigillum nostrum apponi preecpimus: Testibus, venerabili viro, magistro Johanne Camron, preposito ecclesie collegiate de Lincloudan, custode priuati sigilli nostri, Johanne

Forstare de Corstorfyn, camerario, Roberto de Lawedre de Basse, iustieiario, et Waltero de Ogilvy de Lintrethyn, thesaurario regni nostri, militibus, et magistro Edwardo Lawedre, archidiaeono Laudonie in ecclesia Sanctiandree, apud Edynburgh, quarto die mensis Maii, anno gracie millesimo quadringentesimo vieesimo sexto, et regni nostri vicesimo primo.

CHARTER OF CONFIRMATION, dated 4th February 1424, by KING JAMES I., confirming a Charter by Thomas of Summyruile of Carnwithe, to ROBERT OF MAXUEL, son and heir of Herbert of Maxwell, knight, and JONET, daughter of Sir John Forestar of Corstorfyn, of the lands of Libertoun, dated 13th January 1424.

30. Jaeobus Dei gratia Rex Scotorum, omnibus probis hominibus toeius terre sue, clericis et laicis, salutem. Seiatis nos quandam cartam dilecti nostri Thome de Summyruile de Carnwithe, factam et concessam dilecto nostro Roberto de Maxuel, filio et heredi Herberti de Maxuel, militis, et Jonete filie Johannis Forestare de Corstorfyn, militis, de omnibus et singulis terris suis de Liberton cum pertinentiis, vna cum tenandis et tenandiis ac seruicio libere tenencium, iacentibus in baronia de Carnwithe infra vicecomitatum de Lanark, de mandato nostro visam, leetam, inspectam, et diligenter examinatam, non rasam, non abolitam, non caneellatam, nec in aliqua sui parte suspectam, intellexisse ad plenum in hec uerba:

OMNIBUS hanc cartam visuris vel audituris, Thomas de Summyruile, dominus de Carnwithe, salutem in Domino sempiternam: Seiatis me dedisse, concessisse, et hac presenti carta mea confirmasse dilecto consanguineo meo Roberto de Maxuel, filio et heredi domini Herberti de Maxwel, militis, domini de Carlauerok, et Jonete, filie domini Johannis Forestare domini de Corstorfyn, omnes et singulas terras meas de Libertoun cum pertinenciis, vnacum tenandis et tenandiis ae seruicio libere tenencium, iacentes in baronia de Carnwythe infra vicecomitatum de Lanark; que quidem terre cum pertinenciis fuerunt dicti domini Herberti, et quas idem dominus Herbertus, non vi aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua, michi in preseneia plurium per fustim et baculum sursum reddidit, pureque simpliciter resignauit, ac totum jus et clameum que idem dominus Herbertus in eisdem terris habuit uel habere potuit quoquomodo in futurum: Tenendas et habendas predictas terras de

Libertoun cum pertinenciis, ac tenendos et tenendias et seruicium libere tenencium, predictis Roberto et Joncte et eorum diucius viuenti, ac heredibus suis masculis inter ipsos legittime procreandis; quibus forsan deficientibus, predicto domino Herberto et heredibus suis masculis de corpore suo legittime procreatis seu procreandis; illis omnibus deficientibus forte Amero de Maxuel, fratri dicti domini Herberti, et heredibus suis masculis de corpore suo legittime procreatis seu procreandis; illis omnibus deficientibus veris legittimis et propinquioribus heredibus dicti domini Herberti quibuscunque, de me et heredibus meis, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in moris, marresiis, boscis, planis, pratis, pascuis et pasturis, viis, semitis, aquis, stagnis, molendinis, multuris et eorum sequelis, piscariis, aucupacionibus, venacionibus, ac cum curiis et curiarum exitibus, eschaetis, petariis, turbariis, carbonariis, lapiscidiis, lapide et calce, fabrilibus, bracinis, hereyheldis, ac communi pastura, brueriis, genestis, ac libero introitu et exitu, necnon cum omnibus aliis et singulis libertatibus, commoditatibus et aisiamentis, ac justis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, tam prope quam procul, ad dictas terras de Libertoun cum pertinenciis, seu tenandos aut tenandias, ac seruicium libere tenencium spectantibus seu juste spectare valentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut dictus Herbertus aut predecessores sui prenominatas terras de Libertoun cum pertinenciis, ante dictam resignacionem michi inde factam, de me uel antecessoribus meiis tenuit uel possedit, tenuerunt uel possederunt: Et si contingat dictum Robertum ante matrimonii consummacionem inter ipsum et Jonetam antedictam, quam, duce deo, ducet in vxorem, viam vniverse carnis ingredi, volo quod predicte terre de Libertoun cum pertinenciis reuertantur ad predictum dominum Herbertum et heredes suos antedictos; saluo tamen, quod prenominate terre de Libertoun cum pertinenciis, ac tenandi et tenandie et seruicium libere-tenencium, cum predicto domino Johanne Forestare, heredibus suis seu assignatis, libere remaneant, donec et quousque eidem uel eisdem quedam summa pecunie integre persoluatur in forma et effectu, prout in indenturis inter prefatos dominos Johannem et Herbertum inde confectis plenius continetur: Reddendo inde annuatim predicti Robertus et Joneta et eorum diucius uiuens, et heredes sui supradicti, michi et heredibus meis seruicium debitum et consuetum, sicut pre-

dietus dominus Herbertus et predecessores sui michi et heredibus meis in preterito reddiderunt. Et ego prefatus Thomas et heredes mei sepedictas terras de Libbertoun eum pertinenciis, ac tenandos et tenandias et seruicium liberete-neneium, predictis Roberto et Jonete et eorum diucius viuenti, et heredibus suis supradictis, necnon prefato domino Johanni Forstare in hac forma qua premittitur, contra omnes mortales varantizabimus, acquietabimus, et imperpetuum defendemus : In cuius rei testimonium sigillum meum presenti carte mee est appensum, apud Edynburch, decimo tercio die mensis Januarii, anno Domini millesimo quadringentesimo vicesimo quarto, presentibus et pro testibus personaliter apprehensis, in presencia excellentissimi principis, Jacobi Dei gracia Regis Scotorum, Waltero comite Adtholie, Alexandro comite de Mar et de Garvyaeh, Henrico comite de Arcadia, Jacobo de Douglase domino de Balvayne, domino Thoma Senescallo, filio comitis de Mar, Alexandro de Levyngstoun de Calentare, et multis aliis. Quam quidam cartam, donacionem et concessionem in eadem contentas, in omnibus punctis suis et articulis, condicionibus et modis ac circumstanciis suis quibuscunque, forma pariter et effectu, in omnibus et per omnia, approbamus, ratificamus, et pro nobis et successoribus nostris imperpetuum confirmamus ; saluo seruicio nostro. In cuius rei testimonium presenti carte mee confirmacionis magnum sigillum nostrum apponi precepimus, apud Edynburgh, quarto die mensis Februarii, anno domini millesimo quadringentesimo vicesimo quarto, et regni nostri decimo nono : Testibus, reuerendo in Christo patre, Willelmo Episcopo Glasguensi, cancellario nostro, Henrico comite Orcadie, Jacobo de Douglas de Bawany, scutifero, Waltero de Ogylby, Roberto de Lawedre, militibus, et Thoma de Summyruile de Carnwythe, ac magistro Johanne de Cameroun, secretario nostro, et multis aliis.

Charter by Alan Stewart, lord of Dernle, to Robert of Dalzelle of Lebracanrig, of the lands of Brownsyde, 5th December 1429.

31. Omnibus hanc cartam visuris uel audituris, Alanus Senescallus Dominus de Dernle, salutem in Domino sempiternam. Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse dilecto consanguineo meo, Roberto de Dalzelle de Lebracanrig, pro suo seruicio michi impenso et pro toto tempore vite sue impendendo, totas et integras terras meas de Brownsyde eum pertineneiis,

iacentes in baronia de Strathavane, infra vicecomitatum de Lanark: Tenendas et habendas predictas terras de Brownsyde cum pertinenciis, a me et heredibus meis, predicto Roberto de Dalzelle heredibus et assignatis suis, in feodo et hereditate imperpetuum, sine aliquo retinemento, libere, quiete, plenarie, integre, honorifice, bene et in pace, in boseis, planis, moris, marresiis, pratis, paseuis et pasturis, viis, semitis, aquis, siluis, siluiscidiis, stangnis, riuulis, molendinis, multuris et eorum sequelis, aueupacionibis, venacionibus, piscacionibus, cum curiis, esehaetis et earum exitibus, bludwytis, birthinsakis, herzeldis et merchetis, cum lapide et calce, petariis, turbariis, et carbonariis, ac eommuni pastura, cum omnimodis catallis et animalibus, cum libero introitu et exitu, ae eum omnibus aliis et singulis libertatibus, commoditatibus, et aysiamentis ac iustis pertinenciis suis quibuseunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, tam proeul quam prope, ad dictas terras de Brownsyde cum pertineneiis speetantibus, seu spectare valentibus quomodolibet infuturum: Reddendo inde annuatim dictus Robertus de Dalzele, heredes sui et assignati, michi et heredibus meis, tres seetas eurie ad tria placita mea eapitalia apud Elamtoune tenenda, tantum pro omni alio seruieio seeulari, exactione, consuetudine, uel demanda que de dietis terris de Brownsyde cum pertinenciis per quoscunque exigi poterint quomodolibet uel requiri: Et ego vero predictus Alanus Senescallus et heredes mei ac assignati totas et integras predictas terras de Brownsyde, eum pertinenciis, predicto Roberto de Dalzelle, heredibus suis et assignatis, contra omnes mortales homines et feminas warantizabimus, aequietabimus, et imperpetuum defendemus: In cuius rei testimonium huie presenti carte mee sigillum meum apposui, apud Cruxstoun, quinto die mensis Decembris, anno Domini millesimo quadringentesimo vieesimo nono: Hiis testibus, Johanne Sympile domino de Elzotstoun, Roberto Seneseallo de Cragynfeach, Willelmo de Maxwele de Akynhede, Alexandro Senescallo de Rase, cum multis aliis.

PRECEPT by ALAN STEWART, lord of Dernle, for infefting ROBERT OF DALZELLE of Lebraeamyg in the lands of Brownesyde, 10th December 1429.

32. Alanus Senescallus Dominus de Dernle, dilectis meis, Thome de Dalzele de Buthax et Rocaldo Were, coniunctim et diuisim, balliuis meis in hac parte, Salutem: Quia dedi et eoncessi dileeto eonsanguineo meo, Roberto de Dalzelle

de Lebracanryg, heredibus suis et assignatis, pro suo seruicio michi impenso et pro toto tempore vite sue impendendo, totas et integras terras meas de Brownesyde cum pertinenciis, iacentes in baronia de Strathavane, infra vicecomitatum de Lanark, prout patet per certam meam cartam inde sibi confectam : Quare vobis et vestrum cuilibet, balliuis meis in hac parte, precipio et mando quatenus predicto Roberto de Dalzelle uel suo certo attornato, latori presencium, statum, possessionem, et saysinam hereditariam dictarum terrarum de Brownsyde cum pertinenciis, secundum tenorem carte mee inde sibi de eisdem cum pertinenciis confecte, haberi faciatis, saluo iure cuiuslibet : Et hoc ad faciendum vobis et vestrum cuilibet, coniunctim et diuisim, tenore presencium meam plenam et liberam potestatem ac mandatum speciale committo per presentes : In cuius rei testimonium sigillum meum presentibus est appensum, apud Cruxistoun, decimo die mensis Decembris, anno Domini millesimo quadringentesimo vicesimo nono ; hiis testibus, Willelmo de Maxwele de Akynhede, Alexandro Senescallo de Rase, domino Simone de Blacwode, capellano, cum multis aliis.

INSTRUMENT upon the ratification by CATHERINE OF SETOVN, lady of Dernele, of the Charter by ALAN STEWART, lord of Dernele, her spouse, to ROBERT OF DALZELL, of the lands of Brownside, 27th August 1430.

33. In Dei Nomine Amen. Anno ab Incarnacione eiusdem millesimo cccc^mo^ xxx^mo^, mensis Augusti die xxvii, indiccione viii, pontificatus sanctissimi in Christo patris et domini nostri, domini Martini diuina prouidencia pape v., anno xiii : In mei notarii publici et testium subscriptorum presencia personaliter constituta nobilis femina, Caterina de Setovn, domina de Dernele, non vi aut metu coacta, vt asseruit mediante iuramento, sed sua spontanea voluntate et ex certa sciencia, suum consensum prebuit et assensum donacioni et concessioni terrarum de Brovvnside cum pertinenciis, iacencium in baronia de Strathauan infra vicecomitatum de Lanark, factis Roberto de Dalzell, heredibus suis et assignatis hereditarie, per nobilem virum Alanum Stewart, dominum de Dernele, sponsum dicte Caterine, secundum quod in carta dicti domini de Dernele predicto Roberto de Dalzel inde confecta plenius continetur : Et dicta domina de Dernele nunquam reuocabit dictas donacionem et concessionem, nec aliquis nomine

suo, sed ipsas ratificabit et approb[ab]it, et tunc ratificabat et approbabat, pro se et heredibus suis imperpetuum: Item dictus Robertus de Dalzel est obligatus dicte domine de Dernele dare suum consilium, auxilium, et expediciones in omnibus negociis et causis ipsam dominam tangentibus et tacturis, ac sibi assistere contra omnes homines et feminas mortales, domino nostro Rege Scocie et antefeodatoribus ipsius Roberti de Dalzel duntaxat exceptis: Ad que omnia fideliter obseruanda dicta domina de Dernele, tactis sacrosanctis euangeliis, iuramentum prestitit corporale. Super quibus omnibus sepedictus Robertus de Dalzell peciit a me notario sibi fieri publicum instrumentum; cui instrumento predicta domina suum sigillum apponere tunc promisit. Acta fuerunt hec

apud Castrum de Crukystoun, anno, mense, die, indiccione, et pontificatu quibus supra; presentibus circumspectis viris, Alexandro Stewart de Raase, Willelmo de Couchran, Duncano Olyfant, scutiferis, et Hugone de Lenax, clerico, testibus ad premissa vocatis et specialiter requisitis.

Et ego Johannes de Hawyk, presbyter Glasguensis dioccsis, publicus auctoritate imperiali notarius, premissis, etc.

Obligation by Alane Stewart, lord of Dernle, to Robert of Dalzele, of the Braeanryg, 2d February 1433.

34. Be it kend til al men be thir present lettres, me, Alane Stewart, lorde of Dernle, to be haldyn and firmly to be oblistt, and be thir present letteris obliss me, myn ayris and assignais, to Robert of Dalzele of the Braeanryg, his ayris and assignais, that gef euir it happynys in tyme to cum that I, myn ayris or assignais, or Caterine of Setoun my spows, or ony in our name, or in our namys, mak interrupcioun, claym, or impediment or gayncallyng of the landis of the Broun-syde, and the landis of the Ryland-syde, with thair pertinentis, lyand in the barony of Strathavane, within the schirrafdome of Lanark, the qwhilk landis with the pertinentis I haf gefyn to the said Robert heretabilly be my chartcris tharof made, for his seruice to me done and to be done for al the days of his lyf, that within fourty days next efter at interrupcion, clayme, or impediment

be made throw me, myn ayris or assignais, or throw the forsaid Caterine my spowse, or ony in our name, to the forsaidis landis, with thair pertinentis, or ony of thaim, I obliss me, myn ayris and assignais, to the said Robert, his ayris and assignais, that I, myn ayris and assignais, qwhilk of vs happynys to be in that tyme, that I or thai sal gef alsmekil land, and als gude, of my landis of the Galstoun, in competent placis, out takand my chemys, to the said Robert, his ayris or assignais, with als fre charter, sesyng, and possessioun, as he is infeft of me of the landis of the Broun-syd, and the Riland-syde, with thair pertinentis: Nocht agaynstandand the charteris and the enfeftment of the Broun-syde and of the Riland-syd, with the pertinentis, to be of force and vertu to the sayd Robert, his ayris and assignais, as thai war of befor that clayme was made: Alsa I obliss me, myn ayris and assignais, to the said Robert, his ayris and assignais, in twa hundir pundis of vsuale mone of Scotland, to be payt til hym, his ayris or assignais, in Sanc Nichalace chapale of Lanark, appone the he autar of that ilk, at anys and togeder on a day, or I, myn ayris or assignais, or Caterine my spowse, or ony in our name, be herd in the plede or mut of the forsaidis landis, with thair pertinentis, for costis, scathis, and expensis, be cause the sayd Robert is man to me for the saidis landis, with the pertinentis, for al the days of his lyf: The qwhilk condicioun and connand I obliss me, myn ayris and assignais, and al my landis, and gudis mouabil and vnmouabil, to the said Robert, his ayris and assignais, to kepe and to fulfill, as is beforsayd, lely and trewly, but fraud and gile; na remede of law to be proponyt in the contrar of this condicioun befor sayd: In the witnes of the qwhilk thing, to thir present lettres I haf set my sele, at Cruxtoun, the secunde day of the moneth of Februar, the zer of our Lorde a thowsand four hundir thretty and thre zer, befor thir witnes, John Stewart of the Crag, Bernard Lokhart, Quintyn Wer, Will of Coghrane, and other sindry.

Letters of King James II. narrating Decree dated 1st June 1441, by the Lords Auditors of Parliament, reducing the grant of the lands of Akinhede, made by John Maxuel of Calderuod to Thomas Maxuel of Pollok, 3d June 1441.

35. Jacobus Dei gracia Rex Scotorum, Vicecomiti et balliuis suis de Lanark, salutem.

Quia in consilio nostro generali tento apud Edinburgh, die Jouis primo Junii, anno Domini millesimo quadringentesimo quadragesimo primo, in pretorio dicti burgi, per tres status regni nostri, super retractacione et inualidacione cuiusdam assedacionis terrarum de Akinhede Thome Maxuell de Pollok facte et concesse, conclusum extitit et decretum prout in acto consilii nostri plenius continetur, cuius acti tenor sequitur in hec uerba: Die Jouis primo die mensis Junii, anno Domini millesimo quadringentesimo quadragesimo primo, in consilio generali excellentissimi principis ac domini nostri, domini Jacobi Dei gracia Regis Scotorum, . . . tento apud Edinburgh, in pretorio burgi eiusdem, per venerabiles patres et honorabiles viros, Dauid Abbatem monasterii de Cambuskenath, Patricium Abbatem monasterii Sancte Crucis de Edinburgh, Walterum Abbatem Insule Sancti Columbe, Magistrum Willelmum de Fowlys, Archidiaconum Sanctiandree de Clero, dominos Laurencium de Abirnethi de Saltoun, Andream Ogilby de Inchemartine, Georgium Cambell de Lowdounc, Alexandrum de Yrwin de Drum, milites, Johannem de Hamiltoun, Johannem de Levingtoun, Johannem de Fife, Lansilotum de Abirnethi, burgorum commissarios, auditores ad causas et querelas audiendas, cognoscendas, decidendas et fine debito terminandas per tres regni status in consilio generali specialiter deputatos, per bonam informacionem querele Johannis Maxuell de Caldorwod, militis, et ipsius querele sufficientem probationem ob manifestam contumaciam Thome Maxwel de Pollok per ipsos deputatos captam et receptam, ordinatum extitit et decretum quod litere regie super assedacionem terrarum de Akinhede dicto Thome Maxwell concesse retractentur et tanquam inualide reuocentur, et quod warda dictarum terrarum de Akinhed remaneat cum dicto Johanne Maxwell tanquam sua propria, cum idem Johannes actus sit et erit cuilibet proponere uel dicere volenti super dictis terris de Akinhede et ipsius warda iuridice respondere; propterea per dictos deputatos extitit ordinatum quod litere regie super premissis dicto Johanni Maxwel concedantur. Datum de registro per me Johannem de Scheuez, clericum rotulorum et registri, sub testimonio sigilli quo vtor in officio officialatus Sanctiandree, sub die, mense et anno prescriptis in consilio generali. Quare vobis precipimus et mandamus quatenus dictam assedacionem terrarum de Akinhed prefato Thome Maxwell factam et concessam retractetis et tanquam inualidam reuocetis, ac cetera in dicto acto contenta execucioni debite demandetis, sub omni pena que competit in hac parte. Datum sub tes-

timonio magni sigilli nostri, apud Edinburgh tercio die mensis Junii, anno Domini millesimo quadringentesimo quadragesimo primo, et regni nostri anno quinto.

Obligation by John Forstare of Corstorphin, knight, to Sir John of Maxwell, lord of Caldorwod, 8th January 1443.

36. Beit knawin til al men be thir present letters, me, John Forstare of Corstorfin, knycht, til be haldin, and be thir present letters lelily and treuly to be oblisit til a noble man, Schir John of Maxwell, lorde of Caldorwod, knycht, that quhat time that it hapnis him, his ayeris or his assigneis, to warne me, myne ayeris or myne assigneis, of fourtene dais warnyng, to ressaue in the college kirk of Corstorfin, vpon the hee altare of that ilk, the soume of fyue hundre mark of vsuale monay of Scotland, that I or thai salbe redy to ressaue the said monay, and to vp giff, resigne our, and frely deliuer to the said lorde of Caldorwod, his ayeris or assigneis, the annuell rent of twenty pundis, the quhilkis he sald to me of his landis of Blakburne, Maldisle, and Finlaustoun, togeder with the charter thairvpon made; and that I, myne ayeris and assigneis, sal als be redy, vpon fourtene dais warnyng, to ressaue the soume of twa hundre fyfty markis in the forsaid kirk; and efter the payment thairof, sal resigne and gif our tenne pundis of the said annuell of twenty pundis; and efter the payment of remanand of the said fyve hundre markis beand made in the said kirk as forsaid is, I, myne ayeris or assigneis, in continent thairefter, sal resigne our the tother tenne pundis of annuell of the said twenty pundis to the forsaid lord of Caldorwod, his ayeris or assigneis: And giff it hapnis, as God forbeit, that I or thai fraudefully absentis ws fra the ressauing of the said monay, eftir that we be warnit as said is, I will and grauntis be thir presentes, that the said lorde of Caldorwod, his ayeris and assigneis, and his landis forsaid, be fre and quite fra thine furth for euermare of the payment of the said annuell, sa that the forenemmit soume be deliuerit in euyn handis in the forsaid kirk, to be geuyn and pait to me, myne ayeris or assigneis, but fraude or gile. In witnessing hereof to thir lettrez I haue gert set my seel, at Corstorfin, the viii day of the moneth of Januare, the zer of God a thousand foure hundreth fourty thre zer.

Resignation by John of Maxwel, son and heir of William of Maxwel of Akynhede, of an annual rent from the lands of Maldisle, in favour of Sir John Maxwel, lord of Calderwod, knight, 1st August 1446.

37. Vniuersis pateat per presentes me, Johannem de Maxwel, filium et heredem quondam Willelmi de Maxwel de Akynhede, non vi aut metu duetum, nec errore lapsum, sed mera et spontanea mea voluntate, sursum reddidisse, ae per fustem et baculum pureque simpliciter resignasse totum et integrum illum annuum redditum quinque librarum quem quondam predietus pater meus habuit, et ego modo habeo annuatim de terris de Maldisle jacentibus infra viee-comitatum de Lanark, in manibus nobilis domini et potentis domini Johannis de Maxwel, domini de Caldorwod, militis, ae domini mei superioris predicti annui redditus; ac totum jus et clameum que in dieto annuo redditu cum pertinentiis habui, habeo, uel habere potero quoquomodo, prefato domino Johanni domino meo superiori eiusdem, pro me et heredibus meis, ac omnibus aliis nomine uel jure nostro, omnino quittumclamando imperpetuum; ita quod nec ego nec heredes mei, nec aliquis alius nomine nostro, jure, uel titulo, aliquod jus uel clameum, proprietatem uel possessionem in dicto annuo redditu quinque librarum, uel aliqua parte eiusdem, vendicare poterimus seu poterit; sed ab omni clameo et juris titulo tam petitorio quam possessorio simus absoluti imperpetuum et exclusi per presentes penitus et omnino: ad que omnia et singula, vt premittitur, bene et fideliter obseruanda sine fraude et dolo, reuocatione seu contradietione quibuseunque imperpetuum, pro me et heredibus meis, taetis saerosanetis Dei euangeliis, juramentum prestiti eorporale: In cuius rei testimonium sigillum meum presentibus est appensum, apud Blantyr, primo die mensis Augusti, anno Domini millesimo quadringentesimo quadragesimo sexto.

Instrument of Sasine in favour of John Boyle of Wamfray, of the lands of Ryisholm, 11th October 1446.

38. In Dei nomine Amen. Per hoe presens publieum instrumentum cunetis pateat euidenter quod anno ab Incarnacione Domini millesimo cece^{mo} quadragesimo sexto, mensis uero Octobris die vndecimo, indictione deeima, pontificatus sanctissimi in Christo patris et domini, domini nostri Eugenii diuina prouidentia pape

quarti anno decimo sexto; in mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis ac potens dominus, Robertus Boyde, dominus de Kylmarnok ac baro baronie de Dallry, superior dominus terrarum de Ryisholm, dedit saisynam et statum hereditarium dictarum terrarum de Ryisholm cum pertynenciis, per tradicionem terre et lapidis, nobili viro Johanni Boyle de Wamfray, secundum formam et tenorem sue inquisicionis et euidentiarum suarum antiquarum, saluo jure quorumlibet, ut est moris: Super quibus omnibus et singulis sic premissis, petiit predictus Johannes Boyle de Wamfray per me notarium publicum sibi fieri presens publicum instrumentum. Acta sunt hec in aula de Ryisholm antedicta, hora quasi vndecima ante meridiem, sub anno, mense, die, indictione, et pontificatu quibus supra; presentibus nobilibus et prouidis viris, videlicet, Johanne de Blar, domino eiusdem, Thoma de Craufurd de Gyffartland, Johanne de Dunlop de Achinsteche, Roberto Ker de Trearn, Roberto Boyle de Calburn, Andrea de Lynn eiusdem, Archibaldo Boyde, et Macolmo Flemyng, scutiferis, cum multis aliis testibus ad premissa vocatis pariter et per me specialiter rogatis.

Et ego uero Stephanus de Heslyhope, presbyter Glasguensis diocesis, publicus auctoritate imperiali notarius, etc.

Licence by King James II. to Herbert Lord Maxwell to build a castle in the Meyrnis, 15th March 1449.

39. Jacobus Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis quod concessimus dilecto consanguineo nostro Herberto domino Maxwell et heredibus suis plenam et liberam facultatem et nostram licenciam specialem turrim siue fortalicium in suis terris jacentibus in baronia de le Meyrnis, infra vicecomitatum de Renfrew, construendi, ac ipsam turrim siue fortalicium muris et fossis fortificandi, circumcingendi, portisque ferreis firmandi et muniendi ac in altum erigendi, in summitate eiusdem apparatibus bellicis et defensiuis preparandi, ceteraque omnia et singula ad perfectionem et consummacionem turris siue fortalicii huiusmodi necessaria et conueniencia faciendi et perficiendi. In cuius rei testimonium presentibus magnum sigillum nostrum apponi precepimus, apud Edinburgh,

decimo quinto die mensis Mareii, Anno Domini millesimo quadringentesimo quadragesimonono, et regni nostri decimoquarto.

TACK by KING JAMES II. to WALTER STEWART of Arthorle of the lands of Perthwic in liferent, 22d November 1451.

40. James be the graee of God King of Seottis, Till all and sindry oure liegis and subditis to quhais knawlage thir oure lettres salcum, greting: Wit ze vs to haue set and to male lattin, and be thir oure letters settis and to male lattis, til oure louede familiare squyer, Waltir Stewart of Arthorle, all and sindry oure landis of Perthwie with the pertynens, lyande within the baronry of Renfrew, within the shirefdome of that ilk, for all the termez of the saide Walteris life, enterande and begynnande in the saide maling at the feste of Witsonday next folowing the date of thir letters: To be haldin and to be had all and hale the saidis oure fornemmyt landis of Perthwic, with the pertinentis, to the saide Waltir Stewart and his subtenandis for all the termes of his life, of vs and oure ayeris, with all fredomez, proffittis, asiamentis, and richtwis pertinentis, with commoun pasture, free isehe and entre, frely, quitely, wele and in pece, for outin ony againstanding or gaincalling quhatsumeuir; payande tharefore zereli the saide Waltir, and for ilk zere of his life tyme, til vs and oure ayeris, ten pundis of vsuale mone of oure Realme, at the festis of Witsonday and Saintc Martyne in wyntir, be evinly poreiouns, in name of male alanerly, for all vthir ehargis: Quharefore straitli we forbid that ony of oure liegis, of quhat degre or estate thai be, tak on hande til vex, inquiet, distroble, or mak wrangwis impediment to the saide Waltir or his subtenandis in entermetting and manuryng of the saide oure landis of Perthwic, enduring the termez of his life, as saide is, vndir all pain and offens ze may inrin and eommyt again oure Maieste. Gevin vndir oure prive sele, and the subseription of oure avne hande, at Edinburgh, the xxij day of the moneth of Nouember, the zere of God a thousande foure hundreth fifty and a zere, and of oure Regne the fiftene zere.

Transumpt, dated 30th May 1494, of an Indenture between Herbert Lord Maxwell, and Sir John Maxwell of Nether Pollok, concerning the lands of Nether Pollok, dated Carlauerok, 6th February 1452.

41. In Nomine Domini Amen: Vniuersis et singulis presentes transumpti literas siue prescns publicum instrumentum inspecturis, visuris, lecturis pariter et audituris, Willelmus Wawane in decretis licenciatus, canonicus Aberdonensis, ac officialis Sanctiandree infra Archidiaconatum Laudonie ad vniuersitatem causarum specialiter constitutus, salutem in omnium Saluatore: Noueritis quod circumspectus vir Johannes Halkerstoun, procurator et eo nomine nobilis et potentis domini Johannis Domini Maxwell, de cuius procuracionis mandato apud acta curie nostre luculenter constabat nobis cum ea qua decuit reuerencia quandam Indenturam factam inter quondam nobilem et potentem dominum, dominum Herbertum Dominum Maxwell ab vna, et Johannem Maxwel de Netherpollok ab altera partibus, super certis punctis et articulis in eadem Indentura inferius inserta contentis, papiro scriptam sigilloque dicti Johannis Maxwell cera rubea sigillatam, presentauit, humiliter supplicans quod cum ipse Johannes Dominus Maxwell dicta Indentura in diuersis locis, videlicet in judicio et extra, indigeret ad diuersos effectus ipsiusque perdicionem, destructionem, seu amissionem propter viarum discrimina aliaque pericula fortuita que euenire poterunt, timeret quatenus eandem Indenturam per notarium publicum subscriptum transumi transcribi et copiari mandaremus, ac transumpto huiusmodi nostrum decretum interponendo tantam vim et eandem fidem seu similem fore in judiciis et extra adhibendam quantam eisdem literis Indentureque originali adhiberetur si in judicio onerosa foret: Nos vero considerantes huiusmodi supplicacionem fore justam et rationi consonam ad justificacionem nostri processus sibi Johanni Halkerstoun nomine quo supra decreuimus literas nostras citatorias siue publicum edictum, in quo omnes et singulos sua interesse habentes vel habere putantes communiter vel diuisim ad videndum et audiendum huiusmodi Indenturam transumi transcribi et exemplari ac transumpto huiusmodi nostrum decretum interponi ad certos dies, videlicet, date presencium et locum in eisdem contentos precise et peremptorie fecimus citari. In quo termino nobis pro tribunali sedentibus loco subscripto, et dicto Johanne Halkerstoune procuratore nomine quo supra comparente, et nostras literas citatorias siue publicum edic-

tum per tempus certorum dierum precedencium in valuis ecclesie collegiate beati Egidii de Edinburgh, Sanctiandræ diocesis, tanquam in loco famosiori affixas seu affixum, seeum deferente dictos omnes et singulos sic citatos pro suo interesse vigore huiusmodi literarum nostrarum fecimus vocari: Quorum citatorum vocatorum et non comparencium idem Johannes procurator, nomine quo supra, contumacias accusauit, et in penam contumaciarum suarum huiusmodi Indenturam transumi transcribi et exemplari eum nostri interposicione decreti instanter peciit et postulauit: Nos huiusmodi literas receepimus, tenuimus, palpauimus, et de suspicione examinauimus: Et quia ipsas Indenture literas siue ipsam Indenturam originalem reperimus fuisse et esse sanam, integram, non vieiatam, non caneellatam, nec in aliqua sui parte suspectam, sigilloque dicti Johannis Maxwaile ut premittitur sigillatam, vt luculenter constabat, eam per notarium publicum curieque nostre scribam infrascriptum transumi transcribi et copiari mandauimus: Cuiusquidem Indenture originalis tenor de uerbo in verbum sequitur et est talis: This Indenture, maide at Carlauerok, the vi day of the moneth of Februare, the zere of God I^{m} iiii^{c} lii zeris, proportis, contenis, and berris witnes, that it is accordit betuex ane honorable ande ane wirschipfule lorde, Schir Herbert Lorde Maxwale, on the ta part, and Johnne of Maxwaile of Netherpollok on the tother part, in maner, forme, and effect as efterfolowis; that is to say, the forsaide Lord Maxwaile sal geif, or ger be gevin, to the saide Johnne of Maxwaile, or til his lauchfull attourna, heretabil state and possession in the landis of Netherpollok forsaid, with the pertinentis, haldin in cheif of the forsaide Lorde Maxwaile, efter the forme and tenour of his ald charter gevin of the eldaris ande the forebearis of the foresaide Lorde Maxwale to the eldaris ande forebearis of the foresaide Johnne of Maxwaile: Ande gif the saide Johnne schawis noeht his charter to the forsaid Lord, the forsaid Lord sal charter hym new with ward ande releif, ande to weyre soyte for him ande his airis for the foirsaidis landis, with the pertinentis, in the court of Renfrew, sic as the forebearis of the saide Johnne war before him, for the forebearis of the said Lord Maxwaile, and for the saidis landis: Item, the saide Johnne of Maxwaile ande his airis sal pay to the forsaide Lorde Maxwaile ande his airis, or his assignais zeirely, for the foresaide landis, half ane mark of annuale, gif it be askit: Item, the forsaide Johnne of Maxwaile salbe man to the saide Lord Maxwel, ande to Robert of Maxwel, his sone ande his aire, ande sal supple thaim ande thare

causis at al his gudly power aganis al erdly men, alanerly outane his alegeance til oure liege lord the king, for the space of twa zeris next efter folowande the day that the saide Johnne beis possessit in his forsaide landis of Netherpollok with the pertinentis, haldin in cheif of the forsaid Lord Maxwaile: Item, the forsaid Lord Maxwaile has fred the forsaide Johnne of Maxwaile the tane half of his ward and relief, for this seruice to be maid and done as is foirsaid; and the saide Johnne sal pay the tothir half of the said ward and releif to the saide lord, til his airis or his assignais, at the wil of the forsaide lord: Item, the saide lorde has quitelamit, ande for euer quitelamis, the saide Johnne ande his airis of al elamys ande querellis that he has to say to the forsaidis landis before the day of the making of this Indenture, al ande sindry thir condicionis lelely and treuly to be kepit aithir of thir partiis, but fraude or gile, ar oblist til vthir be the faithis in thare bodeis, ande on the haly ewangelis bodely sworne, ande for the maire haboundance of lawte to be kepit enterehangeabilly to thir endenturis, has set to the seellis of thare armys, day, zere, and place before writtin, before thir witnes, Dauid Stewart of Castelmylk, Peris of Pollok of Vuerpollok, Johnne of Johnstoune of the Broeis, Johnne of Maxwaile of Aikinhede, Johnne of Liderzait, with vtheris mony. Quaquidem indentura sic copiata, transumpta, et exemplata, nos judicialiter sedentes eum huiusmodi transumpto copia et exemplo ad ipsam Indenturam originalem per notarium publicum infrascriptum cum personis nobis fidis et alibi fieri feeimus collacionem, quas insimul concordare reperimus, nil addito vel remoto quod facti substanciam quouismodo mutaret vel intellectum variaret; ideoque presentibus literis transumptum et exemplum dicte Indenture in se continentibus et eisdem presentibus transumpto seu transcripto tantam et similem fidem in judiciis et extra adhibendam fore et adhiberi debere, ac presentes tantam et talem vim similemque vigorem et idem robur sic vbique optinere quanta adhiberetur eidem litere Indenture originali, si vt prefertur in eisdem judiciis aut extra onerosa foret: Presentes quoque literas ad finem et effectum supradictos publicauimus, ac ipsum decretum et auctoritatem nostram interposuimus et interponimus per presentes: In quorum omnium et singulorum fidem et testimonium premissorum presentes literas in hanc publicam formam per notarium subscriptum redegi sigilloque officii nostri officialatus antedicti signo et subscriptione dicti notarii jussimus appensione communiri: Datum et actum in ecclesia collegiata beati Egidii de

Edinburgh loco consistoriali eiusdem, anno Incarnacionis Dominice millesimo quadringentesimo nonagesimo quarto, die vero mensis Maii penultimo, indictione duodecima pontificatus sanctissimi in Christo patris et domini nostri domini Alexandri diuina prouidentia pape sexti anno secundo; presentibus ibidem venerabilibus et discretis viris, magistris et dominis Thoma Grenlaw vicario de Ertht, Roberto Craik, Thoma Alanc, et Waltero Falconare, capellanis et notariis publicis, testibus ad premissa vocatis pariter et rogatis.

Et ego Georgeus Newtoune, presbyter Glasguensis diocesis, publicus autoritatibus imperiali et regali notarius, curieque officialatus Sanctiandree infra Archidiaconatum Laudonic scriba, juratus Literarum citatoriarum reproduccioni et lecture citatorum in eisdem vocacioni et non comparencium contumaciarum accusacioni et predictarum literarum transsumendarum tradicioni, recepcioni, ascultacioni, examinacioni, earumque cum presenti transsumpto collacioni et prescripti domini officialis decreto ceterisque omnibus et singulis, dum sic ut premittitur, agerentur, dicerentur et fierent, vnacum prenominatis testibus presens interfui; eaque omnia et singula sic fieri et dici vidi et audiui ac in notam recepi; ideoque hoc presens publicum instrumentum per modum transsumpti confectum per alium fidedignum, me alias occupato, fideliter scriptum subscripsi, signoque et nomine meis solitis et consuetis vnacum appensione sigilli dicti officialatus signaui, rogatus et requisitus in fidem et testimonium premissorum.

GEORGEUS NEWTOUNE.

DISCHARGE by JOHN STEWART, lord of Dernlie, of his title to the lands of Brownsyde, in favour of HUCHONE CAMBEL and KATRYNE THE BLARE, his spouse, 24th March 1452.

42. Be it kend til al men be thir present letters, me, Johnn Stewarte, lorde of Dernlic, to haf dischargit and quytclamyt, and be thir my present letters, for me and myn ayris, frely dischargis and quyteclamis for euirmar al rycht and clame and titil of rycht that I had, has, or may haf of ony maner in tym to cum, in or to the propertc, fee, rycht, or possession to the landis of the Brownsyde, wytht the pertinens, lyand in the lordschip of Elamtoun, in the baronry of Strathauen, wythtin the schirefdome of Lanark, fra me and myn ayris to

Huchonne Cambel, bruthir german to Sir George Cambell of Lowdoune, and Schirefe of Ayr, knycht, and to Katrync the Blare, spouse of the said Huchone, and to the langar leuar of thaim, and to the ayris and assignais of the said Huchone, for euirmar, sa that I, na myn ayris, sal neuir haf rycht, clame, na titil of rycht, in na to the propirte of the said land, rycht, fee, na possessione, bot clerly to be excludit fra me and myn ayris to the said Huchone and Katryn, and the langar lefar of thaim, and to the ayris and assignais of the said Huchone for euirmar, sauffand the superiorite : In witnes of the quhilk thing to thir my present letters I haf to hungyn my scle, at Edinburgh, the xxiiij^{t} day of the moneth of Marche, the zer of oure Lord a thousand fourhundreth fifty and twa zeris, in presens of thir witnes, Schir George Cambel, lord of Loudoun and schiref of Ayr, Sir Johnn the Rose, lord of Haukhed, knychtis, Johnn of Chamyr, lord of Gaidgert, Robert Stewart my bruthir, and Johnn of Byrkmyr, wytht mony vthyr sindry.

Ratification by John Stewart, lord of Dernlee, of the disposition made by John of Dalzell to Huchone Cambell, of his lands of Brounsyde, 26th March 1453.

43. Til al ande syndry to quhais knawlage thir present letters sal to cum, Johne Stewart, lorde of Dernlee, greting in God ay lestande ; Wit ze me to haf apprufyt, ratifyit, and confermyt, and be thir present letters for me, myn ayris, and assignais for euermar apprufis, ratifyis, and confermys al and hale that gyft and alienacioun gyffyne and maid be Johne of Dalzell of the Bracanryg til Huchone Cambell, bruthir to Schir George Cambell, lord of Lowdoune and schirefe of Ayr, knycht, and til Katryn the Blare, his spouse, and til the langar lefande of thaim, and til the ayris and assignais of the said Huchone, of the landis of the Brounsyde, wytht thar pertinens, lyande in the baronry of Strathaven, wythtin the schirefedome of Lanarke ; and als til haf apprufyt, ratifyit, confermyt, and admyttit, and throu the tenore of thir lettres apprufis, ratifyis, confermys, and admyttis for me and myn ayris for outyn reuocacioun for euermar, al that confirmcioun gyffyn be my derrest modyr, Dame Katryn of Setoune, to the sayd Huchone and Katryn, and the langer lefande of thaim, and to the ayris and assignais of the said Huchone, apone the said gift of the said landis of

the Brounsyde, wytht the pertinens, be the said Johne of Dalzel to the said Huchone and Katryne, and to the langast lefande of thaim, and to the ayris and assignais of the said Huehone, in al poyntis, artielis, condicionis, maneris, and circumstans furme to gidder wytht effee as the said eharter of the said Johne of Dalzel, and the charter of eonfirmaeion of my said derrest modyr, fullely proportis and contenis, sauffand my superiorite: and here attour I oblis me and myn ayris be the fath of my body and thir present letters, lelly and treuly to eonferm and new agayn the said gyft of the said landis wytht the pertinens to the said Huehone Cambell and Katryn, and to the ayris and assignais of the said Huehone, in the sikyrrest furm and stile of confirmacioune in al thing as said is, alsone as I or myn ayris be chargit thar to be the said Huehone or Katryn, or his ayris, eftyr that I or myn ayris be entrit in the superiorite of the said landis for owtyn ony langar delay, eauillaeion, fraud, or gyle; and her attour I oblis me and myn ayris lelly and treuly, be the fathtis of our bodyis, to resave the said Huehone and Katryn, and the langast lefand of thaim, and the ayris and assignais of the said Huehone, to be my propir tenand of the said landis of the Brounsyde, wytht the pertinens, to hald of me and myn ayris, doande swylk seruice to me and myn ayris as the saide landis aucht to do, til me and myn ayris befor tyme, alsone as the said Huehone or Katryn, or the ayris or assignais of the said Huehon, may trete the sayde Johne of Dalzele, or his ayris, to refer the hale superiorite pertenande to thaim of the said landis to me and myn ayris, and at I and myn ayris than sal mak the said Huehone and Katryne, and the langast lefande of thaim, and the ayris and assignais of the said Huehone, new entre wytht lauehful sesing and heretabel charter, als sekyr as thai ean devyse for outyn inconueniende, to halde fra thanefurth alanerly of me and myn ayris for euermar, al fraude and gyle away remwfyt: In witnes of the quhilk thing, to thir present letters I haf to hungyn my sele, at Edinburgh, the xxvith day of the moneth of Marche, the zer of God a thousande four hundreth fifty and thre zeris, beand witnes, Sehir John the Ros, lord of Haukhede, knycht, Robert Stewarte my bruthyr, Johne of Byrkmyr, and Thomas Sprewle, lorde of Colden, witht mony vthir.

INSTRUMENT OF SASINE in favour of ROBERT LORD MAXUELL of the lands of Mernys and Netherpollok, 28th May 1454.

44. In Nomine Domini Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno ab Incarnacione Domini millesimo quadringentesimo quinquagesimo quarto, mensis vero Maii die vicesima octaua, indiccione iii pontificatus sanctissimi in Christo patris ac domini, domini Nicolai diuina prouidencia pape quinti anno vii. In mei notarii publici et testium subscriptorum presentia personaliter constitutus prouidus vir Johannes Brakanryg, seriandus superioris warde baronie de Renffrew, ex speciali mandato domini vicecomitis eiusdem in scriptis sibi directis per quoddam breue saysine in forma capelle domini nostri regis, accedens personaliter apud messuagium terrarum de le Mernys ac deinde apud messuagium terrarum de Netherpollok jacentium infra dictam baroniam de Renfrew, ibidem videlicet, primo apud le Mernys et deinde apud Netherpollok successiue et indilate per lapidem et terram, vt moris est, tradidit saysinam hereditariam generoso armigero Gawano de Maxuell, actornato et actornati nomine nobilis et potentis domini, Roberti Domini le Maxuell, fratris sui, de dictis terris de le Mernys et de Netherpollok cum pertinentiis, saluo iure cuiuslibet, et iuxta formam et tenorem dicti breuis regii, cuius tenor est talis: Jacobus Dei gracia Rex Scotorum, Vicecomiti et balliuis suis de Renfrew, salutem: Quia per inquisicionem de mandato nostro per vos factam et ad capellam nostram retornatam compertum est quod quondam consanguineus noster Herbertus Dominus Maxuell, pater consanguinei nostri Roberti Domini Maxuell, latoris presencium, obiit vltimo vestitus et saysitus vt de feodo ad pacem et fidem nostram de terris de le Mernys cum pertinentiis, et de terris de Netherpollok cum pertinentiis, jacentibus infra balliam vestram: Et quod dictus Robertus est legittimus et propinquior heres eiusdem quondam Herberti patris sui de dictis terris cum pertinentiis; Et quod est legittime etatis; Et quod de nobis tanquam Senescallo Scocie tenentur in capite; vobis precipimus et mandamus quatenus dicto Roberto vel suo certo actornato, latori presencium, saysinam dictarum terrarum cum pertinenciis iuste haberi faciatis et sine dilacione, saluo iure cuiuslibet; capiendo securitatem de duabus rosis rubiis ad duplicacionem albe firme de dictis terris de le Mernys nobis debitis, et de xx libris de releuio dictarum terrarum de Netherpollok nobis debito; et hoc nullo modo

omittatis: Teste meipso, apud Blaknes, xxiii° die mensis Maii anno regni nostri xviii°. Super quibus omnibus et singulis petiit ipse prefatus Gawanus Maxuell, actornatus et actornati nomine predicti Roberti Domini Maxuell, a me notario publico publicum sibi fieri instrumentum vel publica instrumenta. Acta erant hec apud messuagia vt predicitur terrarum de le Mernys et de Nethcrpollok, anno, mense, die, indiccione et pontificatu prescriptis; Presentibus apud le Mernys Magistro Amere Gledstanys, Willelmo de Ramsay, Patricio de Rysland, Dauid Zung, Willelmo Wylly, Andrea Makwyn; Presentibus apud Netherpollok Willelmo de Dunlop, Convallo de Kelle, Roberto Patrikson, Johanne Patrikson, Thoma Gilhagy, ac quibusdam aliis testibus ad premissa vocatis specialiter et rogatis.

Et quia ego Jacobus Lermonth, presbyter Glasguensis dyocesis, publicus auctoritate imperiali notarius, etc.

CHARTER by SIR JOHN MAXUELLE of Calderwod, knight, to JOHN MAXUELLE, his eldest son, and MARION OF BOYDE, his spouse, of the lands of Park and Kincadzowlau, with a merk's worth of the land of the Law, 20th July 1454.

45. Omnibus hanc cartam visuris vel audituris, Johannes Maxuelle de Calderwod, miles, salutem in Domino sempiternam: Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse Johanni Maxuelle, filio meo primogenito, pro suo consilio et auxilio michi impensis, omnes et singulas terras meas de Park et de Kincadzowlau, cum vna mercata terre de le Law, cum pertinenciis, jacentes in baronia de Maldislee, infra vicecomitatum de Lanark: Tenendas et habendas omnes et singulas prenominatas terras de Park et de Kincadzoulau, cum dicta mercata terre de le Law, prefato Johanni de Maxwell et Mariote de Boyde, sponse sue, et eorum alteri diucius viuenti, et heredibus suis masculis de corporibus suis legittime procreatis seu procreandis, quibus forte deficientibus, meis veris, legittimis, et propinquioribus heredibus, tam de recta linea quam de tallia, quibuscunque in coniunctam infeodacionem ac in feodo et hereditate imperpetuum, de me et heredibus meis, per omnes rectas metas antiquas et diuisas suas, prout jacent in longitudine et latitudine, in boscis, planis, moris, marresiis, pratis, pascuis, et pasturis, petariis, turbariis, carbonariis, et columbariis, viis, semitis, aquis stangnis, siluis, riuulis, et lacubus, aucupa-

cionibus, venacionibus et piscacionibus, cum molendinis, multuris et eorum sequelis, cum curiis et earum exitibus, herezeldis et merchietis mulierum, cum comuni pastura, et libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, et aisiamentis, ac justis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, tam procul quam prope, ad predictas terras eum pertineneiis spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine retenemento vel reuocacione aliquali : Reddendo inde dicti Johannes de Maxuell et Mariota sponsa sua, et eorum alter diucius viuens, et heredes sui masculi supradicti, michi et heredibus meis, tam de recta linea quam de tallia, comunem sectam ad curias meas annuatim in dicta baronia tenendas, cum vardis et reliuiis, cum contigerint, tantum pro omni alio onere, exaecione, demanda seu seruicio seculari que de dictis terris cum pertinenciis per quoscunque iuste exigi poterunt quomodolibet vel requiri : Et ego vero dictus Johannes de Maxuelle et heredes mei omnes et singulas terras de Park et de Kincadzoulaw, cum dicta mercata terre de le Law, cum pertinenciis, predictis Johanni Maxuelle et Mariote sponse sue, et eorum alteri diucius viuenti, et heredibus suis maseulis de corporibus suis procreatis seu procreandis, quibus forte deficientibus, veris, legittimis, et propinquioribus heredibus meis, tam de reeta linea quam de tallia, adeo libere et quiete in omnibus et per omnia, forma pariter et effectu, sicut dictum est, contra omnes mortales varantizabimus, acquietabimus, et imperpetuum defendemus : In cuius rei testimonium sigillum meum huic presenti carte mee est appensum, apud Calderwode, xx^mo^ die mensis Julii, anno Domini millesimo quadringentesimo quinquagesimo quarto ; hiis testibus, videlicet, Roberto domino Boyde de Kilmarnok, domino Alexandro Boyd, milite, Dauid Campbell, Roberto de Maxuelle, et Johanne Boyd, cum multis aliis.

INSTRUMENT OF SASINE in favour of LADY KATHERINE SETOUNE, lady of Dernele, of the lands of Hessildene, 9th July 1456.

46. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Domini millesimo quadringentesimo quinquagesimo sexto, mensis vero Julii die nono, indiccione quarta, pontificatus sanctissimi in Christo

patris ae domini nostri, domini Calisti diuina prouidencia pape tercii anno secundo : In mei notarii publici et testium subscriptorum presencia diseretus vir, Thomas Thomsone, procurator et procuratorio nomine ac balliuus verus et legittimus nobilis et potentis domini, Roberti Domini Maxwell et terrarum dominii de Mernis, de cuius procuratione proeuratoris ac balliui potestate per literas patentes dicti Roberti suo proprio sigillo sigillatas michi notario subscripto ad plenum constabat, eum subscriptis testibus personaliter aecessit ad principales terras de Hessildene cum pertinentiis, jacentes in dicto dominio de le Mernys infra baroniam de Renfrew, et ibidem super solum dictarum terrarum de Hessildene sasinam, statum, et possessionem hereditariam viginti mercatarum terrarum antiqui extentus per estimacionem et deliberacionem fidelium husbandorum in predicto dominio et circa illud eommorantium nobili et honorabili domine, Domine Katherine de Setoune Domine de Dernele, per tradicionem et deliberaeionem terre et lapidis transtulit, dedit, et deliberauit, vt moris est in talibus fieri, secundum formam et tenorem earte dieti Roberti Domini Maxwell eidem Katherine inde eonfeete, et tenorem sui preecpti et potestatis, assignando, nominando, et deliberando illas terras de Hessildene pro suo principali et capitali messuagio omnium et singularum dictarum viginti mereatarum terrarum antiqui extentus eum pertinentiis suis, saluo iure cuiuslibet : Quibus sie factis et dictis, dictus Thomas procurator et procuratorio nomine quo supra dicti Roberti Domini Maxwell predicte Dominc Katherine Setoune publice alta et intelligibile voce, eoram subscriptis testibus, offerebat et optulit nomine et ex parte dicti Roberti se promptum et paratum in omnibus et ad omnia faeiendum, obseruandum, custodiendum, et sibi peradimplendum omnia et singula appunetuamenta, loeuciones, coudiciones, articulos, scripturas, formam et effeetum certarum literarum et euidenciarum inter ipsos Robertum et Katerinam alias apud Renfrew factarum, appunctuatarum, eoncordatarum, et locutatarum, secundum tenorem earundem, sic quod pro suo defeetu vel parte sua niehil staret quominus omnia essent perimpleta, custodita, et obseruata : Et quo ad sasinam et possessionem terrarum de Garnsalow et Dorsqwene in quibus fuit sasita et vestita, optulit eeiam ad sibi Katherine faciendum, vel ut ipsa Katerina fieri faceret cartam suam dictarum terrarum in meliori et vberiori forma per albam firmam tenendarum quibus melius potuit et sciuit, et illam sibi tunc libenter sigillaret, et eeiam nominatim faeeret sibi preeeptum sasine et balliuos

ad hoc faciendum quos dicta Katerina sibi vellet nominari si ipsa vellet primam sasinam refutare vel resignare ; et ad perimplendum [et] faciendum omnia et singula supradicta, habuit dictus procurator ac balliuus sigillum dicti Roberti Domini Maxwell ibidem promptum, vt michi luculenter constabat : Protestatus fuit eciam solempniter ex parte dicti Roberti quod ex et pro eo quod ipse fuit paratus ad omnia perimplenda, facienda, custodienda prius appunctuata quod quicquid postea factum vel dictum per ipsam Katerinam fuerit vel aliquos nomine suo contra dictum Robertum in premissis nullum in futurum sibi generaret preiudicium : De et super quibus omnibus et singulis, prefatus Thomas procurator balliuus et eo nomine quo supra, a me notario publico subscripto, sibi fieri peciit publicum seu publica instrumentum seu instrumenta, vnum vel plura : Acta fuerunt hec super solum dictarum terrarum de Hessildene, hora quasi duodecima medie diei, sub anno, mense, die, indiccione et pontificatu quibus supra : Presentibus ibidem prouidis viris, Georgeo Cambell de Cessenok, Dauid Cambell fratri germano Georgei Cambel de Loudoun, Patricio Lesuris Rectore de Newtoun, Magistro Amero Gledstanis, Thoma de Kerswell, Thoma Lawe, Patricio Rislandis, Domino Jacobo Lermonth notario publico, Jacobo Clerc, Roberto Pacok et Johanne Folkert, cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Willelmus Bonar prisbiter Sanctiandree diocesis publicus auctoritate imperiali notarius, premissis, etc.

Commission by Pope Pius II. for confirming to Patrick of Colquhoun of Glyn a charter of a portion of the land of Lestabilgrenne to William Turnbuyl, Canon of Glasgow, 22d May 1462.

47. Pius episcopus, seruus seruorum Dei, dilectis filijs Abbati monasterij de Kylwynyng et Preposito ecclesie de Bodwyl Glasguensis diocesis, salutem et apostolicam benedictionem. Iis que pro commodo et utilitate ecclesiarum et presertim cathedralium, ac illis presidentium, aliarumque sedi apostolice deuotarum personarum prouide facta conspicimus, ut illibata persistant, libenter, cum a nobis petitur, apostolici mandamus adijci muniminis firmitatem. Exhibita siquidem nobis nuper pro parte dilecti filij nobilis viri, Patricii de Culquhon de Glyn, domicelli Glasguensis diocesis, petitio continebat quod olim bone

memorie Willelmus Episcopus Glasguensis, tunc in humanis agens, cum consensu et assensu Decani tunc existentis et dilectorum filiorum capituli ecclesie Glasguensis, arrendauit et ad feudi firmam concessit quondam Willelmo Turnbuyl, tunc Canonico Glasguensi, quandam petiam siue particatam terre de Lestabilgrenne uulgariter nuncupatum, cum pertinentijs, prout iacet in longitudine per omnes rectas metas antiquas et diuisas suas infrascriptas, iacentes in magno uico ciuitatis Glasguensis, extendentes a duabus crucibus lapideis struentibus in communi pastura usque ad crucem fori eiusdem, ex parte occidentali dicti uici, inter tenementum siue mensionem Johannis de Halw[y]k, vicarii de Dunlop, ex parte australi ex vna, et communem uiam extendentem se ad Leottirburnis Cors uulgariter nuncupatam ex parte boreali ex altera partibus, et sic per illam [uiam] quousque perueniatur ad ortum siue mensionem Richardi Gardnar, vicarii de Colmancil, super le Prouendsyde, ex parte occidentali, ac etiam per illum ortum siue sepem eiusdem uersus austrum usque ad stagnum quod currit siue manat Yagirthburne, et sic per illud stagnum donec perueniat ad ortum siue caudam prefati Johannis ex parte orientali partibus ex altera : Tenendam et habendam prefato Willelmo, heredibus suis et assignatis, de se et successoribus suis, Episcopis Glasguensibus, in feudo et hereditate imperpetuum, per omnes rectas metas antiquas et diuisas suas, prout iacet in longitudine et latitudine, cum omnibus et singulis libertatibus, commoditatibus, et asiamentis ac iustis pertinentijs quibuscunque, tam nominatis quam non nominatis, ad dictam petiam siue particatam terre cum pertinentijs spectantibus, seu iuste spectare ualentibus quomodolibet infuturum, adeo libere, et quiete, integre, plenarie, bene et in pace, in omnibus et per omnia, sicut ipse Willelmus et predecessores sui, Episcopi Glasguenses, dictam petiam siue particatam terre retroactis temporibus tenuerant seu possederant, ac ipse Willelmus Episcopus tenuerat et possederat : Reddendo inde annuatim prefatus Willelmus Turnbucyl ac heredes sui siue assignati eisdem Willelmo et successoribus, Episcopis Glasguensibus, decem solidos monete usualis Regni Scotie annui redditus, unacum decem denarijs pro firma burgali dicte Ciuitatis annuatim, soluendis ad duos anni terminos consuetos, uidelicet, pentecostes Domini et sancti Martini in hieme per equales portiones, tantummodo pro omni alio seruitio debito, exactione, seu demanda que de dicta petia siue particata terre cum pertinentijs per eundem Willelmum Episcopum et successores exigi potuissent infuturum quomodolibet uel requiri, prout in litteris

patentibus Willelmi Episcopi et capituli predictorum, sigillis signatis, dicitur plenius contineri : Et sicut eadem petitio subiungebat prefatus Patricius in eadem petia seu particata terre arrendata et concessa eidem Willelmo Turnbuyl successerit, illamque post obitum dicti Willelmi Turnbuyl extunc continue tenuerit et possederit, prout tenet et possidet depresenti : Quare, pro parte dicti Patricii nobis fuit humiliter supplicatum ut arrendationi et concessioni predictis pro illorum subsistentia firmiori robur apostolice confirmationis adijcere de benignitate apostolica dignaremur. Nos igitur, cum de premissis certam notitiam non habemus, huiusmodi supplicationibus inclinati, discretioni uestre per apostolicam scriptam mandamus quatinus, uocatis moderno Episcopo et Capitulo Glasguensibus, et alijs qui fuerint euocandi, super predictis omnibus et singulis ac eorum circumstantijs uniuersis, uos muniti auctoritate nostra diligenter inspectetis, et si per eandem inspectationem ita esse, et super quo uestrum cuiuslibet conscientias oneramus, dictas arrendacionem et concessionem in euidentem utilitatem ecclesie Glasguensis cessisse et cedere reppereritis, eandem arrendationem et concessionem et quecunque inde secuta eadem auctoritate approbetis et confirmetis, suppleatisque omnes et singulos defectus, siqui forsan interuenerint in eisdem, non obstantibus constitutionibus et ordinationibus apostolicis ac statutis et consuetudinibus dicte ecclesie, iuramento, confirmatione apostolica, uel quacunque firmitate alia roboratis, ceterisque contrariis quibuscunque. Datum Viterbii, anno Incarnacionis Dominice millesimo quadringentesimo sexagesimo secundo ; nono kalendas Junii Pontificatus nostri anno quarto

A. de Vrbino.

Instrument of Resignation by Katherine of Setoun, lady of Dernle and Maxuele, of the lands of Hesyldene and others, 19th July 1468.

48. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Domini millesimo quadringentesimo sexagesimo octauo, mensis vero Julii die decimo nono, indiccione prima, pontificatus sanctissimi in Christo patris ac domini nostri, domini Pauli diuina prouidentia pape secundi, anno quarto : In mei notarii publici et testium subscriptorum presencia honorabilis et nobilis domina Katerina de Setoun, domina de Dernle et de Maxuele,

non vi aut metu ducta, compulsa, uel coacta, nec errore lapsa, sed mea mera, libera, pura et spontanea voluntate, ut prima facie clare apparuit, vna cum pleno, sano, et integro consensu et assensu honorabilis et nobilis viri et delecti filii sui, Georgii Maxuele filii primogeniti et heredis quondam Herberti Domini Maxuele, sponsi sui, et ipsius Katerine, per fustem et baculum sursum reddidit, pureque et simpliciter resignauit in manibus dicti Roberti Domini Maxuele, filii et heredis quondam dicti Herberti Domini Maxuele, domini superioris dominii et terrarum de le Mernys, jacentium infra baroniam de Ranfrow et vicecomitatum eiusdem, omnes et singulas terras de Hesyldene, Tytonte, Hundby, Lytilschaw, Quhithill, le Schaw hill, et viginti solidatus terrarum antiqui extentus de Kirkhill, cum pertinenciis earundem, ac totum jus et clameum iuris, proprietatem et possessionem, tam petitorium quam possessorium, que seu quas ipsa prefata domina Katerina, heredes sui et assignati, in prenominatis terris seu in aliquibus partibus earundem habuit, habet, seu quouismodo habere potuit infuturum, prefato Roberto Domino Maxuele omnino quitum clamauit in futurum : Et insuper publice deliberauit, dedit, et donauit prefato Roberto Domino Maxuele vnam cartam ipsius Roberti continentem omnes et singulas prenominatas terras de Hesyldene, Tytonte, Hundby, Litilschaw, Quhithill, le Schaw hill, et viginti solidatus terrarum antiqui extentus de Kirkhill, cum pertinenciis earundem, in pergamino scriptam, sigillo prefati Roberti Domini Maxuele sigillatam : Fatendo insuper quod nullas alias literas nec euidencias de dictis terris habuit, nec de aliquibus partibus eiusdem, nisi tantum vnum instrumentum testimonii saysine sue de scriptura, signo, et subscripcione domini Willelmi Bonar notarii publici, ut ipsa asseruit ; quod instrumentum testimoniale saysine prefato Roberto Domino Maxuele deliberare sponte et fideliter promisit. De et super quibus omnibus et singulis prefatus Robertus Dominus Maxuele a me notario publico subscripto sibi fieri petiit publicum instrumentum per me notarium publicum. Acta fuerunt hec in choro ecclesie fratrum predicatorum de Glasgeu, hora quasi prima post meridiem sub anno, mense, die, indiccione et pontificatu quibus supra : Presentibus ibidem nobili et prepotenti domino Jacobo Domino Hammyltoun, magistris Gilberto Rerie, Archidiacano Glasguensi, Roberto Hammyltoun Cancellario eiusdem, Roberto Hammyltone de Saltprestoun, milite, Mathco Stewart de Cassiltoun, Johanne Maxuele de Netherpollok, Thoma Spreule de Coldoune, Johanne Hammyltoun de Kingishauch, Alexandro Hammyltoun de Louche,

Willelmo Johnstoun de Mariorybank, Johanne Logane de Ras, Herberto Gledstanis, et domino Dauid Rede, capellano et notario publico, cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Thomas Laing, clericus Sanctiandree dioccsis, publicus imperiali auctoritate notarius, predictarum terrarum omnium et singularum resignacioni, sursum reddicioni et earum quitum clamacioni, ceterisque premissis, etc.

INSTRUMENT OF SASINE in favour of JAMES CAMBEL of Bracanryg of the lands of Brounsid, 5th May 1470.

49. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnacionis Dominice millesimo quadringentesimo septuagesimo, mensis vero Maii die quinto, indiccione tercia, pontificatusque sanctissimi in Christo patris et domini nostri, domini Pauli diuina prouidencia pape secundi anno sexto: In mei notarii publici et testium subscriptorum presencia personaliter constitutus Jacobus Cambel de Bracanryg, quandam cartam nobilis et potentis domini, Johannis Domini de Dernle, eius sigillo sigillatam, super omnibus fructibus, redditibus, et prouentibus de terris de Brounsid cum pertinenciis, infra baroniam de Strathavane et vicecomitatum de Lanrik jacentibus, per ipsum Jacobum et suos heredes seu assignatos leuandis, confectam nobili viro Alexandro Steward de Galstoun, balliuo prefati Domini Dernle, per literas eiusdem domini patentes ipsiusque sigillo sigillatas et ibidem ostensas, in hac parte specialiter constituto et deputato publice presentabat, eundemque Alexandrum balliuum humiliter requirendo quatenus sibi statum hereditarium saysinam et corporalem possessionem dictarum terrarum cum pertinenciis ut moris fuerit, traderet et assignaret: Qui quidem Alexander balliuus antedictus literas sue potestatis suprascriptas in manibus suis tenens et per eum lectas, dictaque carta per ipsum visa et diligenter inspecta ac intellecta, attendens huiusmodi requisicionem fore justam et racioni consonam, statum hereditarium saysinam et corporalem possessionem dictarum terrarum de Brounsid cum pertinenciis prefato Jacobo Cambel de Bracanryg, per terram, massam et lapides, ut moris est, in forma meliori secundum vim, formam, et tenorem predicte carte desuper confecte, tradidit et plenarie assignauit. Super quibus omnibus et singulis sepedic-

tus Jacobus a me notario publico subscripto sibi fieri peciit vnum seu plura publicum seu publica instrumentum seu instrumenta. Acta fuerunt hec in villa de Brounsid antedicta, anno, die, mense, indiccione et pontificatu quibus supra: Presentibus ibidem honorabilibus et prouidis viris, Alexandro Stewart de Galstoune balliuo antedicto, Johanne Hammyltoun de Kyngishawch, Roberto Afflek, Dauid Lyndesay, Roberto Lyndesay filio Domini de Dunrod, Johanne Steward de Crag, Roberto Steward de Twedyn, Thoma Sympil balliuo de Glesfurd, Alano Dalzel, Stephano Craw, et Edwardo Dalzel, cum diuersis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Johannes Lutherdale, artium magister, publicus imperiali ac regali autoritatibus notarius, premissis, etc.

TRANSUMPT, dated 8th July 1476, of BOND by JOHN LORD DERNLE to JOHN MAXWELL of Pollok, dated 20th November 1471.

50. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnacionis Dominice millesimo quadringentesimo septuagesimo sexto, mensis Julii die octauo, indiccione nona, pontificatus sanctissimi in Christo patris et domini, domini nostri Sixti diuina prouideneia pape quarti anno quinto; in venerabilis viri magistri Villelmi Elphynstoun offieialis Glasguensis, mei notarii publici, et subscriptorum testium presencia personaliter constitutus Johannes Maxvel de Nethyr Pollok, quamdam litteram obligacionis et assedacionis nobilis et potentis domini, Johannis domini Dernle, eius sigillo cera rubea sigillatam, mihi notario publico tradidit perlegendam, copiandam, et collatinandam; cuius tenor in vulgari de verbo in verbum sequitur et est talis: "Be it kennyt till all men be thyr present letteris, me John lord Dernle to be bundin and oblist, and be thyr present letteris bindis and oblissis me lelely and treuly, and be the faith and treuth in my body, to my veilbeluffit cusyng, John of Maxvell of Nethyr Pollok, in consale, help, suple, mannteinance, and in gud lordschip till him, his barnis, his kyn, his men, and his anerdance, and all his and thare querellis aganis all other party that vald do tham hurt, harm, or skath, in the law and by the law, saffand my allegeance to my Souerane Lord: and geff ony man of myn fallis in ony debat vyth the sayd John, the said John profferand to stand to consale of me and my frendis, geff

thc said parti vil not do sik lik, than I bynd and obliss me to lay that parti by, and to tak playn part vyth the sayd John of Maxvell: Item, I renew and settis be thyr letteris to thc sayd John of Maxvell, for al the dayis off his lyff, the landis of Glanderistoun, the quhilkis hc had of me off befor, for his service alanerly don and to be don, and disehargis him off all other do service: alsa gef it happynnis, as God forbed, me, myn ayeris, executuris, or assigneis, to falze in the payment of the sovmis bundyn to the said John of Maxvell, his ayeris, executeris, or assigneis, at the termes expremit in myn obligaeioun, or vithin xx dayis next efter ilky terme, excepand the sovme of the mone of the loussyng of the landis of the Hedhous and Ouyr Murray, as is contenit in the euidentis of befor, than I dischargis and quhitclamis the forsaid John of Maxvell off all obligaciounis maid to me of his landis quhatsumcuer, but fraud or gill: I vill alsa and grantis that the said John of Maxvell haff full pover and fre faculte to set and inhabit the said landis of Glandcristoun, as hc thynkis mast spedfull, for all the dayis of his lyff. To thc quhilkis all and sindry thingis lelely and treuly to be kepit, I haff geffyn my bodyli ath, and has sellit this myn obligacioun vyth the sell off myn armez, at Dernle, the xx day of Noucmber, the yher of our Lord a thousand cccelxxi yher." Super quibus omnibus et singulis peciit dictus Johannes Maxvell per me notarium publicum infrascriptum sibi presens publicum fieri instrumentum siue transsumptum. Acta sunt hec in ecclesia Glasguensi, anno, mensc, die, indiccionc et pontificatu quibus supra; prcsentibus Alexandro Elphynstoun, Johanne Luff, et Thoma Maxvell, testibus ad premissa vocatis pariter et rogatis.

Et ego Johannes Kerd, presbytcr Glasguensis dioeesis, publicus autoritatibus imperiali et regali notarius, premissis ete.

Instrument of Resignation by Aymer Maxwele, in favour of Robert Lord Maxwele, his father, of the lands of Heshildene, 23d September 1473.

51. In nomine Domini Amen. Per hoc presens publicum instrumentum eunctis pateat euidenter et sit notum quod anno Incarnacionis Dominice millesimo quadringentesimo lxxiii°, mensis vero Septembris die xxiij, indiceione septima, pontificatusque sanctissimi in Christo patris et domini nostri, domini Sixti

diuina prouidencia pape seeundi anno tercio : In mei notarii publici et testium subscriptorum preseneia personaliter eonstitutus prouidus vir Amerus Maxwele, filius nobilis domini, Roberti domini Maxwele, omne ius, clameum et interesse que habet, habuit, seu habere potuit in seu ad terras de Heshildene eum suis pertineneiis, in manibus prefati domini patris sui, per fustem et baculum, non vi neque metu duetus, sed ex propria moeione, pure et simplieiter resignauit : De qua quidem resignaeione sie faeta et per prefatum dominum reeepta, idem dominus peeiit a me notario publico sibi fieri publicum et publica instrumentum et instrumenta quotquot essent neeessaria. Acta fuerunt hec in insula beate Marie Virginis situata in eeelesia parochiali de Drumfrese, anno, mense, die, indiecione, et pontifieatu quibus supra ; presentibus ibidem honorabilibus viris, Johanne Maxwele, filio et apparente herede prefati domini Maxwele et senescallo vallis Anandie, Roberto M'Brare preposito burgi de Drumfrese, et Dauid Maxwele, testibus ad premissa vocatis speeialiter et rogatis.

Et ego Willelmus Clephame, presbyter Glasguensis dioeesis, auctoritatibus imperiali et regali publicus notarius, premissis etc.

Bond of Reversion by George Maxvell of Carnsaloehe, and Agnes his Spouse, to John Earl of Levenax, of the West part of Henryistoun, 3d October 1477.

52. Be it kennyt till all men be thyr present letteris, me, Georgis of Maxvell of Carnsalache, and my spous Agnes, vyth ane assent and eonsent, sekyrly be the faith and treuth in oure bodyis til be bundyn and oblist, and be thyr present letteris lelely and treuly bindis and oblisis ws till ane honerabile and mychty lord, John Erle of the Leuenax and lord Dernle, that nothvithstandyn the sayd Johne has gevyn till vs and till our ayeris lachfully gottin and to be gottyn betvix vs, and falzeand theroff to the ayeris laehfull quhatsumeuer of me the sayd Georgis, acht markis vorth of land of ald extent, vyth thar pertynence, heritabilly be eharter and sessyng, of the vest part of Henryistoun, lyand vithin the schirreffdome of Renfrew, neuer the less we vill and grantis, and ws and oure ayeris and oure assigneis stratly bindis be thir present letteris for to vpe geff and purly and simpilly till resigne, and frely to delyuer fra vs, oure

ayeris or oure assigneis for euermar, to the sayd Johne, his ayeris or his assigneis, all and haile the forsayd acht markis vorth of land of ald extent of the vest part of Henryistoun, vyth thar pertynence, togeddir vyth charter and sessyng and other euidence maid till ws and our ayeris therapone be the sayd John, quhat tym the forsaid John, his ayeris or his assigneis, on a day betvix the son rysyn and passyn to rest, in the fest of Sanc John the Baptist callyt Myssummer, in the Frere kyrk of the predicatouris of Glesgu, apon the hie alter of the samyn, lelely payis till ws, oure ayeris or oure assigneis, the sovm of ane hundreth markis of vsuale mone of the kynric of Scotland, in moneye tald, al fraud and gil avay put, sva that efter the payment of the said sovm, we the saydis Georgis or Agnes, na ovre ayeris na assigneis, na ony in our name, haff ony rycht, law, clame, propertc or possessioun, in or to the saydis landis vyth thar pertynence, bot be we excludyt tharfra for euermar in tym to cum: Fra the quhilkis payment we, na ovre ayeris, na ovr assigneis sal na maner of vay fraudfully absent ws: and gef it sal happyn vs, ovre ayeris or ovre assigneis, lachfully varnyt in the sayd Frere kyrk fourty dayis befor the term of the payment, till absent vs fra the sayd payment, it sal nocht turn to the sayd John na his ayeris to na preiudice; bot he, his ayeris or assigneis, sal pay the sayd sovme upon the sayd alter, befor ane notar and leile vitnes, and thar leiff the sayd sovm, and fra thinfurth he and his ayeris and assigneis sal pessabilly bruk and jois the sayd landis, but ony impedyment or gansayng, al fraud and gill excludyt and avay put: the quhilkis thingis to kep in forme befor vryttin we obliss ws, oure ayeris and our assigneis, to the sayd John, his ayeris and assigneis, in the strathast stil of obligacioun vsit in the realme of Scotland.

In vitnessing herof the sell of me the forsayd Georgis, for me and my spous Agnes, to thir presentis is to hungyn, at Glesgu, the thyrd day of October, the zher of God a thoussand [four hundred] sevynti and sevyn yheris; thyr vitnes, Master John Maxvell, vicar of Innerkyp, Archibald Vytschav, Schir John Kerd, notar, and other syndry.

CHARTER OF CONFIRMATION by JOHN Lord Maxuell and of the Mernys, to GAVIN MAXUELL, son and heir-apparent of Sir John Maxuelle of Calderuod, knight, of the lands of the Dryppys, 8th April 1481.

53. Omnibus hane eartam visuris uel audituris, Johannes dominus Maxuell et de le Meyrnes, ae dominus superior terrarum de le Dryppys, salutem in Domino sempiternam : Noueritis me vidisse, inspexisse, et diligenter examinasse quamdam eartam dileeti eonsanguinei mei, domini Johannis Maxuelle de Calderuod, militis, suo sigillo pendenti sigillatam, suo filio et apparenti heredi Gawino Maxuell hereditarie faetam ; euius quidem earte tenor de verbo in verbum sequitur et est talis : " Omnibus hane eartam visuris uel audituris, dominus Johannes Maxuelle de Calderuod, miles, salutem in Domino sempiternam : Noueritis me dedisse, eoneessisse, et hac presenti earta mea eonfirmasse, necnon dare, coneedere, et hae presenti earta mea confirmare predileeto filio meo et heredi apparenti, Gawino Maxuelle, omnes et singulas terras meas de le Dryppys cum pertineneiis, iaeentes in baronia de Kylbrydschyr et infra vieeeomitatum de Lanark, pro vera filiali dileetione quam erga dietum filium meum habeo et gero : Tenendas et habendas omnes et singulas predietas terras de le Dryppys eum suis pertineneiis prefato Gawino Maxuell, heredibus suis et assignatis, de domino Maxuelle et le Meyrnes in feodo et hereditate imperpetuum, prout iaeent in longitudine et latitudine, per omnes reetas metas suas antiquas et diuisas, cum omnibus et singulis libertatibus, commoditatibus, proficuis et asiamentis ae iustis pertineneiis suis quibuseunque, et adeo libere, quiete, plen arie, integre, honorifice, bene et in paee, sieut ego aut predeeessores mei predietas terras eum pertinenciis tenui seu possedi, tenuerunt seu possiderunt temporibus retroactis de domiuis de le Meyrnes : Faeiendo dictus Gawinus, heredes sui et assignati, annuatim domino de Kylbrydeschyr et suis suceessoribus pro predietis terris seruieia debita et consueta ; necnon dieto domino Maxuelle et suis successoribus seruicia inde debita et consueta tantum. Et ego vero dictus dominus Johannes, heredes mei et assignati, totas et integras predictas terras de le Dryppys cum pertinenciis prefato Gawino, heredibus suis et assignatis, adeo libere et quiete in omnibus et per omnia, forma pariter et effectu vt prescriptum est, eontra omnes mortales varantizabimus, acquietabimus, et imperpetuum defendemus. Reseruato tameu libero tenemento omnium predic-

tarum terrarum de le Dryppys cum pertineneiis michi pro omnibus diebus vite mee, necnon vna racionabili tercia parte domine Mariote Boyd, sponse mee, pro toto tempore vite sue, cum contigerit. In cuius rei testimonium sigillum meum huic presenti carte mee est appensum, apud Edinburgh, sexto die mensis Aprilis, anno Domini millesimo quadringentesimo octuagesimo primo; coram hiis testibus, Alexandro Lyndsaie de Carnduffe, Wilelmo Mur, et Roberto de Lekpreuyk, cum diuersis aliis." Post cuiusquidem carte perlecturam et eiusdem veraciter examinationem, ipsam cartam in omnibus suis punctis et articulis, modis et circumstanciis, prout in eadem inscritur, ratifico et approbo, ac pro me et successoribus meis imperpetuum confirmo. In cuius rei testimonium sigillum meum huic presenti carte mee confirmacionis est appensum, apud Edinburgh, octauo die mensis Aprilis, anno Domini millesimo quadringentesimo octuagesimo primo, coram hiis testibus, Eduardo Maxuelle de Tynwald, Georgeo Maxuelle de Carnsallauch, Herberto Gledstanis, et Roberto Mur de Polkelly, cum diuersis aliis.

Instrument of Sasine in favour of Gavin Maxwell, son and apparent heir of Sir John Maxwell of Calderwod, knight, of the lands of Dryppys, 26th April 1481.

54. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno ab Incarnatione Domini millesimo quadringentesimo octuagesimo primo, mensis vero Aprilis die vicesima sexta, indiccione decima quarta, pontificatusque sanctissimi in Christo patris ac domini nostri, domini Sixti diuina prouidentia pape quarti anno decimo: In mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis vir, Gawinus Maxwell filius et apparens heres domini Johannis Maxwell de Calderwode, militis, accessit ad terras wlgariter nuncupatas le Dryppis, iacentes in baronia de Kylbridschyr et infra vicecomitatum de Lanark, et ibidem quamdam cedulam pergamineam, appensione sigilli armorum prefati domini Johannis roboratam, non abrasam, nec viciatam, aut in aliqua sua parte suspectam, sed prossus omni penitus [vicio] carentem, nobili viro Georgio Maxwell de Carnsallach presentauit et tradidit perlegendam; cuius tenor sequitur in forma: "Johannes Maxwell de Caldorwode, miles, dilectis meis Georgio Max-

well de Carnsallach, Alexandro Lekprewek de eodem, et Willelmo Hammiltoun de Cawdor, balliuis meis in hac parte coniunctim et diuisim specialiter constitutis, salutem: Quia dedi et concessi hereditarie predilecto filio meo et heredi apparenti Gawino Maxwell omnes et singulas terras meas de Dryppis cum pertinentiis, jacentes in baronia de Kylbrydschyr et infra viceeomitatum de Lanark, prout in earta mea sibi desuper confecta plenius continetur; vobis igitur et vestrum euilibet coniunctim et diuisim firmiter precipio et mando, quatenus visis presentibus, indilate statum possessionem corporalem et saisinam hereditariam omnium et singularum predictarum terrarum de le Dryppis cum pertinentiis prefato Gawino Maxwell, vel suo certo actornato latori presencium, iuste habere faciatis, secundum tenorem carte mee quam inde habet; et hoc nullomodo omittatis: Ad quod faciendum, vobis coniunctim et diuisim meam plenariam et irreuocabilem tenore presencium committo potestatem. Scriptum sub meo sigillo, apud Edinburgh, nono die mensis Aprilis, anno Domini millesimo ccce^mo. octuagesimo primo:" et sic fuit dicta pergaminii cedula. Quaquidem cedula sic vt prescribitur perlecta et intellecta, dictus Georgius volens obtemperare mandatis dicti domini Johannis Maxwell statum feodi saisinam hereditariam, necnon actualem, realem, et corporalem possessionem earundem terrarum de le Dryppis cum pertinentiis, vt premissum est, prout iacent in longitudine et latitudine, prefato Gawino et heredibus suis, secundum vim, formam, et tenorem eniusdem carte per dictum Dominum Johannem sibi Georgio facte, per terram et lapides, massam et pulueres, vt moris est in talibus, tradidit et assignauit. Super quibus omnibus et singulis prefatus Georgius a me notario publico subscripto sibi fieri peciit publicum seu publica instrumentum aut instrumenta vnum vel plura; cui eciam instrumento, pro maiore securitate et effectu premissorum, sigillum dicti Georgii Maxwell de Carnsallach dictus Gawinus cum instantia appendi procurauit, quiquidem Georgius hoc fieri concessit. Acta erant hec super fundum dictarum terrarum, hora quasi prima post merediem vel eocirca, sub anno, mense, die, indiccione et pontificatu prescriptis; presentibus in premissis, venerabilibus et circumspectis viris, Magistro Johanne Maxwell, vicario de Innerkyp, Alexandro Lindesay de Karnduff, Alano Stewart de Scheilzardis, Dauid Lindsay de le Peile, Matheo Hammiltoun, et Johanne Lyndsay, vnacum diuersis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Johannes Gray, presbyter, Glasguensis dioccsis etc.

INSTRUMENT OF SASINE in favour of JOHN LORD MAXWELL of the superiority of the lands of Nether Pollok, 10th May 1486.

55. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnacionis Dominice millesimo quadringentesimo octuagesimo sexto, mensis Maii die vero decimo, indictione quarta, pontificatusque sanctissimi in Christo patris et domini nostri, domini Innocencii diuina prouidencia pape octaui anno secundo: In mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis vir Dauid Maxwell, procurator et actornatus nobilis et potentis domini Johannis domini Maxwell, habens et tenens in manibus suis quoddam preceptum saisine regium vicecomiti et balliuis suis de Renfrew directum, de et super superioritate terrarum de Nethirpollok cum pertinenciis, jacencium in baronia de Renfrew et infra vicecomitatum eiusdem, prouidum virum Jacobum Cocherane de eodem, vicecomitis predicti deputatum, balliuum in hac parte specialiter constitutum, debita cum instancia requisiuit quatenus ipse auctoritate et vigore dicti precepti saisine regii dictum Dauid actornatum in saisinam statumque hereditarium dicte superioritatis terrarum de Nethirpollok cum pertinenciis, procuratorio nomine quo supra, poncret, ac in ipsius realem, actualem, et corporalem possessionem induceret et inuestiret, secundum regii precepti vim formam et tenorem: Qui vero Jacobus balliuus sepedictus attendens huiusmodi requisicionem fore justam et racioni consonam, accessit ad dictas terras de Nethirpollok, et ibidem statum hereditarium, saisinam, et corporalem possessionem superioritatis dictarum terrarum cum pertinentiis dicto Dauid Maxwell actornato, procuratorio nomine quo supra, per terre et lapidis tradicionem, ut in talibus fieri consuetum est, tradidit et assignauit, secundum formam et tenorem dicti precepti regii; cuius quidem tenor sequitur et est talis: Jacobus Dei gracia Rex Scotorum, vicecomiti et balliuis suis de Renfrew, salutem: Quia per inquisicionem de mandato nostro per vos factam et ad capellam nostram retornatam compertum est quod quondam Robertus Dominus Maxwel, auus Johannis domini Maxwell latoris presencium, obiit vltimo vestitus et saisitus ut de feodo de superioritate terrarum de Nethirpollok cum pertinenciis, jacencium in baronia de Renfrew infra vicecomitatum eiusdem; et quod dictus Johannes est legitimus et propinquior heres eiusdem quondam Roberti aui sui de dicta superioritate terrarum cum pertinenciis; et

quod est legitime etatis; et quod de carissimo filio nostro primogenito Jacobo Duce de Rothsay, Comite de Carryk Senescallo Scocie, tenetur in capite; nos, tanquam tutor et gubernator dicti nostri filii, vobis precipimus et mandamus quatenus dicto Johanni, uel suo certo actornato latori presencium, saisinam dicte superioritatis terrarum cum pertinenciis juste haberi faciatis et sine dilacione; saluo jure cuiuslibet; capiendo securitatem de viginti libris firmarum dicte superioritatis terrarum predictarum existentis in manibus dicti nostri filii per vnum terminum, saisina non recuperata, et de quadraginta libris de reliuio eiusdem superioritatis nobis tanquam tutori predicto debitis; et hoc nullo modo omittatis: Teste meipso, apud Edinburgh, quinto die mensis Maii, anno regni nostri vicesimo sexto. Super quibus omnibus et singulis dictus Dauid actornatus a me notario publico infrascripto sibi fieri peciit vnum seu plura publicum seu publica instrumentum seu instrumenta. Acta fuerunt hec super solum dictarum terrarum, vt premittitur, sub anno, mense, die, indiccione et pontificatu suprascriptis; presentibus ibidem nobilibus et prouidis viris, Georgio Maxwell de Carnsallach, Johanne Maxvell de Nethirpollok, Alexandro Weyr de Auchteneferdale, Jacobo Inglis, Alexandro de Lekprewyk de eodem, Malchomo Hammyltoun, Willelmo Maxwell, dominis Alexandro de Castiltaris, et Symone Inglis, presbyteris, testibus ad premissa vocatis specialiter et rogatis.

Et ego Dauid Rede, presbyter Glasguensis diocesis, publicus auctoritatibus imperiali et regali notarius, premissis etc.

CHARTER by SIR JOHN MAXUELL of Calderwod, Knight, to GAWIN MAXUELLE, his eldest son, of the lands of Jaktoune, Allirtoune, Newlandis, Grenehillis, and Mekilblakburne, 14th February 1486.

56. Omnibus hanc cartam visuris uel audituris, Johannes Maxuell de Calderwod, miles, salutem in Domino sempiternam: Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse, necnon dare, concedere, et hac presenti carta mea confirmare dilecto, fideli, et carissimo filio meo Gawino Maxuelle, meo primogenito et apparenti heredi, pro filiali dilectione quam gero erga eum, ac suo seruicio michi multipliciter facto et fiendo, omnes et singulas terras meas de Jaktoun, Allirtoune, Newlandis, et Grenehillis, cum tenandis, tenandriis,

et pertineneiis suis, iacentes in baronia de Kilbryd infra vieeeomitatum de Lanark, neenon omnes et singulas terras meas de Mekilblakburne, cum tenandis et tenandriis et pertinenciis suis, iaecntes in baronia dc Bathkate et vicecomitatum de Renfrew : Tenendas et habendas omnes et singulas prenominatas terras de Jaktoune, Allirtounc, Neulandys, Greynhyllis, et Mekleblakburne, eum tenandis et tenandriis et pertinenciis suis prefato Gawino Maxuelle et heredibus suis a me de domino Senescallo Scotic in feodo et hereditate imperpetuum, prout iacent in longitudine et latitudine, per omnes rectas metas antiquas et diuisas suas, in domibus, edificiis, boscis, planis, moris, marresiis, pratis, pascuis et pasturis, viis, semitis, aquis, stagnis, siluis, riuolis et lacubus, petariis, turbariis, carbonis, carbonariis, columbis, columbariis, cuniculis, cuniculariis, brueriis, fabrilibus, et genestis, lapicidiis, lapide et calce, cum ortis et pomariis, ac cum molendinis, multuris et eorum sequelis, aucupacionibus, venaeionibus et piscacionibus, cum curiis et earum exitibus, amerciamentis, herezeldis bludewottis et merchetis mulierum, cum communi pastura ac libero introitu et exitu, ae cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis, ae iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, tam procul quam prope, ad predictas terras cum suis annexis et pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia sicut ego dictus Johannes aut predecessores mei prenominatas terras cum pertinenciis de dicto domino Senescallo Scotie ante presentem donationem liberius tenui seu possedi, tenuerunt seu possiderunt, ae sine retenemento, reuocacione, aut contradiccione quacunque : Reddendo inde annuatim dictus Gawinus et heredes sui dicto domino Senescallo Scotie, domino meo superiori dictarum terrarum, et successoribus suis seruicium debitum et consuetum tantum, pro omni alio onere, exactione, questione, demanda, seu seruicio seeulari que de predietis terris cum suis pertinenciis per quoscunque iuste exigi poterunt quomodolibet vel requiri : Et ego vero dictus Johannes Maxuelle et heredes mei omnes et singulas prenominatas terras de Jaktoune, Allirtoune, Newlandis, Grenhillis, et Mekilcblakburne, cum tenandis, tenandriis, et pertinenciis suis prefato Gawino Maxuelle et heredibus suis adeo libere et quiete in omnibus et per omnia, forma pariter et effectu ut predictum est, contra omnes mortales warantizabimus, acquietabimus, et imperpetuum

defendemus : Reseruato tamen libero tenemento omnium et singularum predictarum terrarum eum tenandis, tenandriis, et suis pertineneiis quibuscunque, michi antedicto Johanni Maxuelle pro toto tempore vite mee, et raeionabili tercia earundem eum pertineneiis vxori mee euieunque. In euius rei testimonium sigillum meum huie presenti earte mee est appensum, apud Polkelly, deeimo quarto die mensis Februarii, anno Domini millesimo quadringentesimo oetuagesimo sexto ; eoram hiis testibus, videlieet, Roberto Mure de Polkelly, Roberto Steward de Galstoune, Wilelmo Mure de Lynflaire, Georgeo de Murhed, dominis Johanne Sando et Dauid Reid, eapellanis, eum multis aliis.

PRECEPT OF SASINE by SIR JOHN OF MAXUELLE of Calderwod, knight, for infefting GAWANE OF MAXWELLE, his eldest son, in the lands of Jaktoune, Allyrtoune, Newlandis, and Grenhillis, 14th February 1486.

57. Johnne of Maxuelle of Calderwod, knyeht, and lord of the landys of Jaktoune, Allirtoune, Newlandis, and Grenhillis, lyande wythin the barony of Kyrkbrid and the sehirefdome of Lanark, to Williame Mure of Lynflaire, Williame of Hammyltoune of Caudor, Alexander Lindesaie of Carnduffe, Alexander Lekprewyk of that Ilk, and George of Murhed, my bailzheis in that pairt speeialie eonstitute : Forsamekle as I haue gevin and grantit, and be myn heretable ehartir has eonfermyt to my derrest sonne and apperande aire, Gawane of Maxwelle, all and haill the forsaide landis with thare pertinenee, as my ehartir maide till hym tharevpone proportis mayre fullely : My will is herfor, and I eharge and eommandis zow, ande ilkane of zow, that ineontinent eftir the sieht of thir letters, ze pass wythout dilay, and gif heretable state, seisyng, and possessioune to the said Gawane, my sonne, or till his attournay, of the saidis landis of Jaktoune, Allyrtoune, Newlandys, and Grenhyllis, with thar pertinenee, eftir the tenour of my chartour maide till him tharvpone : the quhilk to do I eommytte to zow, ande ilkane of zow eoniunctlie and seueralie, my full power irreuoeabyly be thir my present letters. In witnes of the quhilk thinge I haue gert hyng to my seyll to thir present letters, at Polkelly, the xiiij day of the moneth of Februere, the zere of Gode ane thousande foure hundreth auehty and sex zeris.

INSTRUMENT OF SASINE, in favour of GAWIN MAXUELLE, of the lands of Jaktoune, Allyrtoune, Newlandis, and Grenehillis, 29th May 1487.

58. In Dei nomine Amen : Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno Incarnacionis Dominice millesimo quadringentesimo octuagesimo septimo, mensis vero Maij die vicesimo nono, indiccione quinta, ac pontificatus sanctissimi in Christo patris et domini nostri, domini Innocentii diuina prouidencia pape octaui anno tercio : In mei notarii publici et testium subscriptorum presentia personaliter constitutus prouidus vir, Gawinus Maxuelle, filius carnalis et apparens heres honorabilis viri, domini Johannis Maxuelle de Calderuod, militis, accessit ad terras vulgariter nuncupatas Jaktoune, Allyrtoune, Newlandis, et Grenehillis, iacentes in baronia de Kilbryd et infra vicecomitatum de Lanark, ac ibidem apud principalia messuagia dictarum terrarum, in vnaquaque illarum villarum separatim, quasdam literas in pergamino scriptas, sigillo armorum dicti domini Johannis Maxuell, patris sui, roboratas, non abrasas nec viciatas, nec in aliqua sui parte suspectas, sed omni prorsus vicio et suspicione carentes, circumspecto viro, Alexandro Lekprewik de eodem, tradidit ac deliberauit perlegendas; petendo a dicto Alexandro, tanquam balliuo in premissis literis constituto, saisinam dictarum terrarum, secundum tenorem dictarum literarum ac carte sue desuper sibi confecte : quique prefatus Alexander premissas literas michi notario publico infrascripto tradidit perlegendas ; quarum tenor fideliter de verbo in verbum sequitur sub hac forma : Johannes of Maxuelle of Calderwode, knycht, etc. [*Vide* No. 57, *supra.*]

. . . . . .

Post quarumquidem literarum lecturam per me notarium publicum infrascriptum, prenominatus Alexander Lekprewyk, in prescriptis literis specialiter nominatus, ac balliuus ad hoc constitutus vigore potestatis sibi in dictis literis commisse, tradidit per terre et lapidis assignacionem, vt moris est in talibus, prefato Gawino Maxuell saisinam hereditariam, statum feodi, necnon realem, actualem, et corporalem possessionem de dictis terris de Jaktoune, Allyrtoune, Newlandis, et Grenehyllis, cum pertinenciis, secundum tenorem dictarum literarum ac carte sue exinde sibi confecte, iacentibus in baronia de Kylbride et infra vicecomitatum de Lanark ; saluo iure cuiuslibet : ac eciam in vnaquaque prenominatarum villarum de Jaktoune, Allyrtoune, Neulandis, et Grenhyllis, prefatam

saisinam singulariter ae separatim dedit et contulit; primo, in villa de Jaktoune, apud eius prineipale messuagium ; secundo, in Allyrtoune, apud eius principale messuagium ; tereio, in Newlandis, in eiusdem prineipali messuagio ; quarto et vltimo, apud Grenhillis, in eiusdem prineipali messuagio : Super quibus omnibus et singulis premissis dictus Gawinus Maxuelle a me notario publico infrascripto sibi fieri peciit instrumentum publieum seu publiea instrumenta, vnum uel plura : eui eciam instrumento, pro maiori seeuritate et effectu, dictus Gawinus sigillum dicti Alexandri appendi proeurauit eum instancia : quiquidem Alexander hoe fieri concessit. Acta fuerunt hee apud principalia messuagia dietarum terrarum, eirca horam diei primam post merediem, finiendo ante seeundam ; sub anno, mense, die, et indietione quibus supra ; presentibus ibidem discretis viris, videlicet, Georgeo Murhede de Nethir Lauchhope, Roberto Maxuell de Stanle, Johanne Maxuell, Johanne Lekprewik, Thoma Lowys, Thoma Browne, eum multis aliis testibus ad premissa vocatis specialiter et rogatis. Sequitur subscripcio notarij.

Et ego Robertus Wauch, presbyter Glasguensis dioeesis, publicus auctoritatibus appostolica et regali notarius, premissis ete.

CHARTER by SIR JOHN MAXUELLE of Calderwod, knight, to GAWIN MAXUELLE, his eldest son, of the lands of Mauldislee, 14th February 1486.

59. Omnibus hane cartam visuris vel audituris, Johannes Maxuelle de Calderwod, miles, salutem in Domino sempiternam : Noueritis me dedisse, coneessisse, et hae presenti earta mea confirmasse dilecto, fideli, et earissimo filio meo Gawino Maxuelle, meo primogenito ae apparenti heredi, pro filiali dileccione quam gero erga eum, ae suo seruieio michi multipliciter faeto et fiendo, omnes et singulas terras meas de Mauldislee, eum tenandis, tenandriis, ac suis pertineneiis, iacentes in baronia eiusdem, infra vicceomitatum de Lanark : Tenendas et habendas omnes et singulas prenominatas terras de me predicto Gawino et heredibus suis masculis procreatis seu proercandis quibuseunque ; quibus forte defieientibus, heredibus meis masculis de eorpore meo legittime proereandis quibuseunque ; quibus eeiam forte deficientibus, veris et legittimis heredibus dicti Gawini quibuscunque, in feodo et hereditate imperpetuum, per omnes reetas metas suas diuisas et antiquas, in boseis, planis, moris, marresiis, siluis, siluici-

diis, viis, semitis, planis, aquis, stagnis, lacubus, riuulis, pratis, pascuis et pasturis, cum molendinis, multuris et eorum sequelis, cum curiis, eschaetis et earum exitibus, cum herezeldis, bludeweittis, et mulierum merchietis, cum venacionibus, aucupacionibus, piscacionibus, petariis, turbariis, et carbonariis, cum lapide et calce, cum fabris, fabrilibus, brueriis, et brasinis, cum nemoribus et virgultis, cum pomariis et ortis, et cum libero introitu et exitu, et cum omnibus aliis et singulis libertatibus, commoditatibus, et asiamentis, ac iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam procul quam prope, tam subtus terra quam supra terram, ad dictas terras cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, ut premittitur, sine aliquo retenemento mej, ac adeo libere sicut ego dictus Johannes vel aliquis predecessorum meorum predictas terras cum pertinenciis tenuj seu possidebam, tenuit seu possidebat aliquibus temporibus retroactis: Reddendo inde annuatim predictus Gawinus vnum denarium michi vsualis monete regni Scotie in festo penthecostes, nomine albe firme, tantummodo si petatur, pro omni alio seruicio, seculari exactione, questione seu demanda, que per me de dictis terris cum pertinenciis exigi poterunt quomodolibet vel requiri: reseruando michi liberum tenementum omnium et singularum terrarum prenominatarum cum pertinenciis pro omnibus diebus vite mee, cum tenandis et tenandriis earundem, ac racionabilem terciam earundem terrarum cum pertinenciis vxori mee cuicunque; necnon reseruando monticulum de Mauldislee et quinque solidatas terrarum contigue circa cum iacentes, pro seruiciis fiendis supremo domino nostro Regi et successoribus suis debitis et consuetis: Et ego vero predictus Johannes omnes et singulas prenominatas terras cum pertinenciis predicto Gawino, et heredibus suis antedictis, in omnibus et per omnia, modo, forma pariter et effectu quibus supra, contra omnes mortales varantizabimus, et imperpetuum defendemus: In cuius rej testimonium sigillum meum presentibus est appensum, apud Polkelly, die decimo quarto mensis Februarij, anno Domini millesimo quadringentesimo, et secundum computacionem ecclesie Scoticane, octuagesimo sexto; coram hiis testibus, Roberto Mure de Polkelly, Roberto Steward de Galstoune, Wilelmo Mure de Lynflaire, Georgeo de Murhed, et domino Dauid Reide, notario publico, cum multis aliis.

PRECEPT OF SASINE by JOHN of Maxuelle of Calderwode, knight, for infefting GAWANE of Maxuell, his son, in the lands of Mauldislee, 14th February 1486.

60. Johnne of Maxuelle of Calderwode, knycht, and lord of the landis of Mauldislee, lyand wythin the barony of the samin and the schirefdome of Lanark, to Williame Murc of Lynflayr, William of Hammylton of the Caudor, Alexander Lyndesaie of Carnduff, Alexander Lekprewyk of that Ilk, and George of Murhed, my bailzeis in that pairt specialy constitute: Forsamekle as I haue gevin and grantit, and be mync heretabyle chartour has confermyt to my derrest sone and apperand ayr, Gawanc of Maxuell, all and haill the forsaid landis with thar pertinenee, as my chartour maidc till hym tharvpone mair fullely proportis: My will is herfor, and I eharge ande commandis zou and ilkane of zou that, incontinent eftir the sicht of thir letters, zhe pass wythout dilay, and gif heretabile staite, seising, and possessioun to the said Gawane, my sone, or tyll his attournay, of the saidc landis of Mauldyslee, wyth thar pertinenee, eftir the tenour of my ehartour maidc tyll hymc tharvpone: The quhilk to zou to do, and ilkane of zow coniunctlie and seueralie, I commyttc my fulle power irreuoeabylyc be thir my present letters: In vitnes of the quhilk thing I hauc gert hyng to my seyllc to thir presentis, at Polkelzy, this xiiij day of the moneth of Februer, the zere of God ane thousand four hundreth auchty and sex zeris.

INSTRUMENT OF SASINE in favour of GAWIN MAXUELLE, son and apparent heir of Sir John Maxuelle of Calderwod, knight, of the lands of Mauldislec, 26th February 1486.

61. In Dei Nomine Amen. Per hoe presens publicum instrumentum eunetis pateat euidenter et sit notum quod anno Incarnacionis Dominicc millesimo quadringentesimo, seeundum computaeionem ecclesie Seotieane, oetuagesimo sexto, mensis vero Februarii die vieesimo sexto, indieeione quinta, ae pontificatus sanetissimi in Christo patris et domini nostri, domini Innoeencii diuina prouideneia pape octaui anno tereio: In mei notarii publici et testium subseriptorum presencia personaliter constitutus nobilis vir Gawinus Maxuelle, filius et heres apparens domini Johannis Maxuelle de Calderwod, militis, accessit ad

terras uulgariter nominatas Mauldislee, iacentes in baronia eiusdem et infra viceecomitatum de Lanark, ac ibidem quamdam cedulam pergamineam, appensione sigillii armorum dicti domini Johannis Maxuelle roboratam, non abrasam, non viciatam, nec in aliqua sui parte suspectam, sed omni prorsus vicio et suspicione carentem, discreto viro, Georgeo de Murhed de Nethirlaehope, presentauit; quiquidem Georgeus michi notario publico infrascripto tradidit perlegendam; cuius tenor sequitur de verbo ad verbum sub hac forma: Johnne of Maxuelle of Calderwod, knyeht, and lorde of the landis of Mauldislee, etc. [*Vide* No. 60, *supra.*]

. . . . . .

Post quarumquidem literarum lecturam et intelleetum per me notarium publicum infrascriptum, prefatus Georgeus Murhede, in preinsertis literis specialiter nominatus, vigore potestatis in ipsis eisdem literis sibi commisse, tradidit per terram et lapidem, ut moris est in talibus, prefato Gawino Maxuelle statum feodi, saisinam hereditariam, necnon realem, actualem, et corporalem possessionem de prefatis terris de Mauldislee cum pertinenciis, iacentibus in baronia eiusdem et infra vicecomitatum de Lanark, sibi et heredibus suis, secundum tenorem sue carte exinde sibi confecte: Super quibus omnibus et singulis premissis, predictus Gawinus Maxuell a me notario publico infrascripto sibi fieri peciit instrumentum seu instrumenta publicum seu publica vnum seu plura: Acta fuerunt hec apud principale messuagium dictarum terrarum, videlicet, infra villam de Mauldislee, circa horam dici vndecimam ante merediem, sub anno, mense, die, indiecione, et pontificatu quibus supra: Cui eciam instrumento, pro maiori securitate et effectu premissorum, sigillum dicti Georgei Murhed dictus Gawinus cum instancia appendi procurauit: Quiquidem Georgeus hoc fieri concessit; presentibus ibidem honorabilibus et discretis viris, videlicet, Johanne Quhitfurd de Mylton, Quintino Quhitfurd, filio et apparente herede dicti Johannis, Roberto Hammylton, filio et apparente herede Jacobi Hammylton de Torrence, Matheo Johnson, et Wilelmo Stodhird, cum multis aliis testibus ad premissa voeatis specialiter et rogatis. Sequitur subscripcio notarij.

Et ego Robertus Wauch, presbyter Glasguensis diocesis, publicus auctoritatibus appostolica et regali notarius, premissis etc.

NOTARIAL TRANSUMPT of nine Charters by the MAXWELLS of Calderwood, 19th February 1489.

62. In Dei Nomine Amen. Per hoc presens publicum instrumentum siue transsumptum cunctis pateat euidenter et sit notum quod, anno Incarnacionis Dominice millesimo quadringentesimo octuagesimo nono, die vero decimo nono mensis Februarii, indiccione octaua, pontificatus sanctissimi in Christo patris et domini nostri, domini Innocencii diuina prouidencia pape octaui anno sexto: In reuerendi in Christo patris et domini, Roberti Dei et apostolice sedis gracia episcopi Glasguensis, nobiliumque et prepotentium dominorum cessionis, Colini Comitis de Ergille, domini Cambell et Lorne, ac Cancellarii supremi domini nostri Regis, Roberti domini Lyill, meique notarii publici et testium subscriptorum presencia personaliter constitutus nobilis vir, Duncanus de Dundas, et Elizabeth Lowys, sponsa quondam bone memorie nobilis viri, domini Gawini Maxuell, militis, filii primogeniti et heredis nobilis viri, domini Johannis Maxuelle de Calderuode, militis, contendentes super ius habendi, detinendi, et conseruandi certas cartas, instrumenta, et euidencias olim spectantes sibi domino Gawino racione hereditatis terrarum suarum talem inierunt concordiam, videlicet, quod ipse Duncanus haberet custodiam dictarum cartarum, instrumentorum, et euidenciarum, casu quo Robertus Maxuelle, filius primogenitus ipsius domini Gawini, quem habuit cum quadam Agnete de Dundas filia ipsius Duncani nunc defuncta, succederet sibi domino Gawino hereditarie; et quod ipsa Elizabeth Lowys, olim ipsius Gawini sponsa, copiam dictarum litterarum, cartarum, instrumentorum, et euidenciarum, in debita et autentica forma instrumentali seu transsumpti haberet casu quo filii sui, deficiente, quod absit, dicto Roberto, succederent sibi domino Gawino hereditarie, et deficiente dicto Roberto, filio ipsius Gawini, et Agnetis defunctorum dicti domini cessionis decreuerunt et ordinarunt ipsam Elizabeth Lowys habere, et ad vtilitatem prolium suarum detinere dictas cartas, instrumenta, et euidencias principales, quas et que ipse Duncanus haberet in custodia absque preiudicio sui aut heredum qualiumcunque, etc., quarum tenores sequuntur et sunt tales:—[*Vide* Nos. 10, 45, 53, 56, 57, 58, 59, 60, and 61, *supra*.]

Post quarumquidem literarum, cartarum, instrumentorum, et euidenciarum transsumpti scripturam, lecturam et examinacionem, predicti domini cessionis

et consilii pro tribunali sedentes decreuerunt et ordinauerunt presens transsumptum esse et fore tanti vigoris et roboris quanti et ipsi originales litere, carte, instrumenta et euidencie, ac eidem transsumpto tanta fides debere adhiberi in iudicio et extra, in omnibus et per omnia, quanta et ipsis originalibus literis si in mediam producerentur: insuper sigilla vniuersa dictis literis appensa, approbata, ratificata, et recognita erant in presencia nobilis viri Archibaldi de Dundas filii ipsius Duncani; et vt fides indubia ipsis literis sic transsumptis sicuti ipsis originalibus adhiberetur, et pro maiori euidencia veritatis, nobilis vir Thomas Lowys de Mennour, prolocutor ipsius Elizabeth, peciit sigillum nobilis et prepotentis domini, Colini comitis de Ergille, domini Campbell et Lorne, ac supremi domini nostri Regis cancellarii, antedictis presentibus transsumptis apponi et affigi. Super quibus omnibus et singulis ipsa Elizabeth a me notario publico subscripto sibi fieri peciit vnum et plura publicum et publica transsumptum et transsumpta: Acta erant hec in loco habitacionis Georgei Robysone anteriori, tunc temporis locus cessionis dominorum deputatus, infra opidum de Edingburgh, hora quasi vndecima, sub anno, mense, die, indictione et pontificatu quibus supra; presentibus ibidem venerabilibus viris, magistris et dominis Alexandro Inglis, archidiacono Sanctiandree, Ricardo de Murhede, decano Glasguensi ac clerico rotulorum et registri, Thoma Lowis, rectore de Glenquhyme, Ricardo Robinson, Matheo Dowelle, notariis publicis, et Henrico Mayr clerico, et diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Richardus Gybsonne.

Precept of Sasine by John and Matthew Stevarde, liferenter and fiar of the Earldom of Leuenax and Dernle, to Sir John Mungumry of Heychhede, of the lands of Pottartovne and Diconysbank, 15th April 1493.

63. Johannes dominus liberi tenementi Comitatus de Leuenax et Dernle, et Matheus Stevarde dominus feodi eorundem, dilectis nostris Johanni Maxwell de Nethir Pollok et Johanni Stevarde de Henristone ac Johanni Crauffurde, balliuis nostris in hac parte specialiter deputatis, salutem: Quia vendidimus et alienauimus per cartam nostram dilecto nostro domino Johanni Mungumry de Heychhede, militi, omnes et singulas terras nostras de Pottartovne et Diconysbank cum pertinentiis, jacentes in dominio nostro de Dernle infra viceecomitatum de Ren-

frew; Vobis igitur et vestrum cuilibet precipimus et mandamus quatenus, visis presentibus, personaliter accedatis seu alter vestrum accedat ad dictas terras de Pottartovne et Diconysbank cum pertinentiis, et ibidem dicto domino Johanni Mungumry de Heychhede, militi, vel suo certo actornato, latori presencium, statum et saisinam dictarum terrarum cum pertinentiis, secundum formam et tenorem carte sue desuper habite tradatis et deliberetis, et hoc indilate: Quod ad faciendum vobis et vestrum cuilibet coniunctim et diuisim nostram plenariam concedimus potestatem per presentes. In cuius rei testimonium sigilla nostra presentibus sunt appensa, apud Crukstone, die xv° mensis Aprilis, anno Domini millesimo quadringentesimo nonagesimo tercio.

Charter by John Earl of Leuenax and Matthew Stevarde, fiar thereof, to Sir John Mungumry of Heychhede, knight, of the lands of Pottartovne and Dyconysbank, 16th April 1493.

64. Omnibus hanc cartam visuris uel audituris, Johannes Comes de Leuenax, dominus liberi tenementi de Leuenax et Dernle, necnon Matheus Stevarde, dominus feodi eorundem, salutem in Domino sempiternam: Noueritis nos dedisse, vendidisse, et alienasse, necnon per presentes vendere, dare, et alienare honorabili viro, domino Johanni Mungumry de Heychhede, militi, omnes et singulas terras nostras de Pottartovne et Dyconysbank cum pertinentiis, jacentes in dominio nostro de Dernle infra vicecomitatum de Renfrew, pro summa centum librarum in auro tantum numerato, extendente ad valorem dictarum terrarum: Tenendas et habendas omnes et singulas prenominatas terras de Pottartovne et Dyconisbank, cum pertinentiis, de nobis et heredibus nostris, predicto Domino Johanni Mungumry, militi, et heredibus suis in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, lacubus, riuulis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, cum curiis, eschaetis, earum exitibus, herezeldis, bludwyttis, et mulierum marchetis, cum aucupacionibus, venacionibus, piscacionibus, petariis, turbariis, et carbonariis, cum lapide et calce, et cum communi pastura et libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, et asyamentis, ac iustis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam procul quam prope, tam

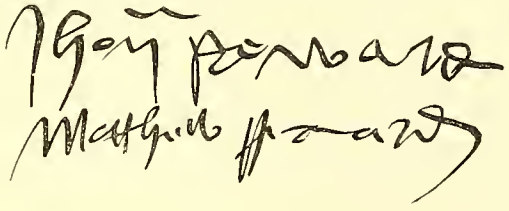
subtus terra quam supra terram, ad dictas terras eum pertinentiis speetantibus seu iuste speetare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre et honorifiee, bene et in paee, in omnibus et per omnia, ut premittitur, sine aliquo retinemento nostri seu heredum nostrorum, ae adeo libere sieut nos vel aliqui predieessorum nostrorum predietas terras eum pertinentiis liberius, quietius, et honorifieentius tenuimus vel possidebamus, tenuerunt vel possiderunt, aliquibus temporibus retroaetis: Reddendo inde annuatim predietus dominus Johannes Mungumry, miles, et heredes sui nobis et heredibus nostris seu sueeessoribus vnum denarium vsualis monete Seoeie super solum dietarum terrarum, in festo Pentheeostes, nomine albe firme, tantummodo si petatur, pro omni alio seruitio seeulari, exaetione, questione, seu demanda que per nos et heredes nostros seu sueeessores de predictis terris eum pertinentiis exigi poterunt quomodolibet vel requiri. Et nos vero predieti Johannes et Matheus, heredes nostri seu sueeessores, omnes et singulas prenominatas terras de Pottartovne et Dyeonisbank, eum pertinentiis, predicto domino Johanni Mungumry, militi, et heredibus suis seu assignatis, in omnibus et per omnia, modo, forma pariter et effeetu quibus supra, eontra omnes mortales varantizabimus, aequietabimus, et imperpetuum defendemus. In euius rei testimonium sigilla nostra huie presenti earte nostre sunt appensa, apud Passletum, die deeimo sexto mensis Aprilis, anno Domini millesimo quadringentesimo nonagesimo tereio; eoram hiis testibus, Johanne Maxvell de Nethirpollo, domino Alexandro Clogistone, notario publieo, Roberto Mungumry, Johanne Parys, Johanne Crauffurde, Johanne Haw, et Adam Marehell, eum multis aliis.

Obligation by John Earl of Lennax and Mathew Steward, his son, to maintain Sir John of Mungumry of the Heiehthede, and his heirs, in the lands of Pottartone and Dieeonysbank, 16th April 1493.

65. Be it kende til al men be thir present letteris, ws Jhone Erle of Lennax and Lorde Dernle, and Mathew Steward our sone, apperande ayr and lorde of fee of the saide landis, to be bunding and oblist, and be thir our present letteris byndis and oblisis ws be the fath ande trewthe in our bodeys, our ayris, exeeutwris, and assignays eoniunetly ande seueraly, renunciande the benefiee of diwisione, to ane worsehipful knyght, Sehir Jhone of Mungumry of the Heichthede, his ayris

executwris, ande assignays ; That for samekle hais we haiff saulde, anelyt, and away put fra ws, our ayris, executwris ande assignays, the landis of Pottartone and Dicconysbank, with thare pertinence, to the saide Schir Jhone, his ayris, exeeutwris, ande assignays, for ane eertane sowme of gold delyuerit and payt til ws in nwmeryt mone, that is to say, ane hundreth pwndis of fyne golde, the quhilkis was delyuerit fyfty pwndis of ridaris Franche crownys and Seot crownys, and the remane of the saidis hundreth pundis in vnicornys, the quhilk swme extendis to the waille of the saide landis ; herfor we bynde and oblisis ws in the forme a bwffe wrytyne, that giff it happynnis ws or our ayris to redeme and lowis the saide landis eftyr the tenour of the lettir of reuersione made tharapone be the saide Schir Jhone til ws, we or thai sal pay ande delyuer the sowme abwffe expremyt of ane hundreth pwndis in sicklik golde hais is a bwff wrytyne of our rasayt : Ande we and our ayris sal nocht consent to the redemyng and relaxing of the forsade landis in fauoris, vtilite, nor profeit of ony other persone, bot alwterly til ourself or our ayris, and til ouris or thairis proper ws : Alsua we wil, grantis, and admittis that the saide Schir Johne, his ayris, executwris, or assignays, sal browyk, joys, and manwr peceply the forsaide landis with thar pertinence, in assedacione of ws or our ayris, for al the tymis ande termys of sewyne zheris nixt the gidder and immediatly folowande the tyme of the lowsyng of the saide landis, gif it sa happynnis thame to be lowsyt ; the forsaide Schir Jhone, his ayris, exeeutwris, ande assignays, payande zherly til ws or our ayris, sicklik maile and dewetis as the inhabitaris of the saide landis payt til ws in the tyme of the maken of this present obligacion ; that is to say, fyf mark ande ane half, and xvi pennys of penny mail, ande thre bollis of bere and ane half, ande thre peekis, with othir dewetis hais neichbur ande othir. Ande herattour, we na our ayris, executwris, nor assignais, nor zeit nane otheris throwch ws na in our name, sal molest, inqwyet, perturbe, no zcit wex na tribile, be no maner of way, the saide Schir Jhone, his ayris, executwris, nor assignays, his or thairis men seruandis, tenandis, or inhabitaris, in the pecepbil browken, joising, ande manwring of the saide landis, hais he or his ayris, executwris, or assignays thinkis maist expedyende and profeitabile oder be thame self to manwr in manys, or to set to tenandis or inhabitwris, oder for mail ande gerssowme, or for ferme : Bot we and our ayris, executwris, and assignays sal defende, warande, ande mak qwyet the saidis landis with

thare pertinence to the saide Schir Jhone, his ayris, executwris, assignays, ande inhabitaris, ande defende and mantein hym and thame and his seruandis quhatsumeuir, bath in the law, in the thingis abwff urytyne in caws lethfull ande honeste. Ande to obserff, fulfil, and kepe al and sindry thir punctis a bwff wrytyne, ande all other punctuamentis and conditionys innit and made be twex ws ande the said Schir Jhone, we and ilkane of ws hais oblist ws, our ayris, executwris, ande assignays, in the stratast forme of obligacioun that can be dewisyt, but inconuenient, and giffyn our bodely athis thar apone, the haly ewangilist twichyt, bath as ane and ane as bath, coniuncly and seueraly, renunciande the benefice of dewisione as saide is, al remede of law cywell or cannon, statut law, or ack of parlyament to be excludyt alwterly and a way put, maide or to be made in the contrar herof, but fraud or gile, question, cauelacione, or demande: and we nor our ayris, executwris, nor assignays, no nane otheris in our name, neuer to be hard in the contrar herof, onder the payn of maynswerying, inabilite, and defamacioun. In witnes of the quhilk thing we the saide Jhone ande Mathew hais gart affix our selis to this our present obligatioun, at Paslay, the xvi day of the moneth of Aprile, the zher of Gode ane thousande four hundreth nynte ande thre zeris: And to the mayr securite we and ilkane of ws hais subscribyt this present obligacioun with our awyn handis, befor thir witnes, Jhone of Maxwell, larde of Nedderpollok, Schir Alexander of Clubstone, notar, Robert of Mungumry, Jhone of Crawfurd, Jhone of Haw, Adam Merehell, Allane Steward of Cardonald, Patrick Culquhoun of the Glen, Robert Mungumry, Johne Mwr, Schir Alexander Clugstone, with other diuers.



Instrument of Sasine given by the deputy of James Lord Hammiltone, Sheriff of Lanark, to Robert Maxuell, son of the late Gavin Maxuell, knight, of the lands of Mauldislee, 8th July 1493.

66. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis

pateat euidenter quod anno Incarnaeionis Dominice millesimo quadringentesimo lxxxxiii°, die vcro mensis Iulii octauo, indictione deeima, pontificatus sanctissimi in Christo patris et domini nostri, domini Alexandri diuina prouidentia papc sexti anno 2° : In mei notarii publiei et testium subseriptorum preseneia personaliter comparuit honorabilis vir Jaeobus Hammiltone, filius et apparens heres Jacobi Hammiltone de Sehawfelde, ae vicccomes deputatus nobilis et potentis domini, Jaeobi Domini Hammiltone, vieecomitis prineipalis de Lanerk, apud terras de Mauldislee cum pertineneiis, jacentes in baronia eiusdem infra vicecomitatum de Lanerk, et ibidem super solum siuc fundum dictarum terrarum dictus vicecomes virtute euiusdam preeepti vicceomiti et suis balliuis in hac parte eommissi, ac virtutc sui offieii, dedit statum, saisinam, et possessionem hereditariam Roberto Maxuell filio quondam Gawani Maxuell, militis, de omnibus et singulis tcrris de Mauldislee eum pertinentiis, ponendo terram et lapidem in manibus ipsius Roberti Maxuell, ac investiendo cum in principali messuagio dictarum terrarum, elaudendo ostium vt moris est, saluo jure cuiuslibet. Super quibus omnibus et singulis predietus Robertus Maxuell a me notario publieo subscripto sibi fieri peciit publicum instrumentum vnum et plura. Aeta erant hee super solum siue fundum dietarum terrarum, hora quasi 2ª post mercdiem uel eoeirca, sub anno, die, mcnsc, indictione, pontificatu quibus supra ; presentibus ibidem diseretis viris, videlicet, Matheo Jhonstone, Villelmo Stodart, Johanne Androsone, Villelmo Clidc, et Roberto Smyth, eum diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Johannes Dikisone, presbyter Glasgucnsis dioeesis, publieus autoritatibus imperiali et regali notarius, quia premissis ete.

INSTRUMENT OF CASSATION by JOHN LORD MAXWELL of the sasinc of the lands of Nctherpollok, given to JOHN MAXWELL, 14th May 1494.

67. In Dei Nomine Amen. Per hoc presens publicum instrumentum eunetis pateat cuidentur et sit notum quod anno Incarnationis Dominice millesimo quadringentesimo nonagcsimo quarto, mcnsis vcro Maii die dceimo quarto, indictione duodecima, pontifieatus sanctissimi in Christo patris et domini nostri, domini Alexandri diuina prouidentia papc sexti anno secundo : In nostrûm notariorum et testium subscriptorum prescncia personaliter eonstitutus nobilis et potens

dominus, Johannes Dominus Maxwell, personaliter aeeedens ad terras de Netherpollok, vigore precepti supremi domini nostri regis sibi faeti, solemniter protestatus est quod quiequam aetum fuerit per eum pro tune vigore preeepti dieti supremi domini nostri regis sibi suis ve heredibus non eederet in preiudieium, et preeipue penes deliberationem status et saisine dietarum terrarum de Netherpollok Johanni Maxwell. Qui vero Dominus Maxwell antedietus, protestatione premissa sie faeta, obediendo preeepto dieti supremi domini nostri regis, tanquam dominus superior dietarum terrarum, Johannem Maxwell in statum, saisinam, neenon aetualem, eorporalem, et realem possessionem dietarum terrarum de Netherpollok induxit et inuestiuit, per terre et lapidis traditionem ut moris est: Neenon paulo post, idem Dominus Maxwell huiusmodi statum et saisinam per eum sibi Johanni Maxwell traditam cassauit et adnullauit. In signum euius super solum dietarum terrarum et principalem mansionem earundem diseum ligneum fregit, vt moris est in similibus; allegando quod vieeeomes in direetione et deseruitione breuis huiusmodi terrarum de Netherpollok inordinate proeessit, neenon asisa in sua deliberatione inordinate et eontra juris ordinem errando proeessit: Et premissa idem Johannes Dominus Maxwel sepedietus se diuersis instrumentis et aliis legittimis doeumentis, tempore et loeo eongruis, legittime probaturum obtulit. Super quibus omnibus et singulis prefatus Johannes Dominus Maxwell, tanquam dominus superior dietarum terrarum de Netherpollok, a nobis notariis publieis subseriptis sibi fieri atque tradi petiit vnum et plura instrumentum et instrumenta. Aeta erant hee apud dietas terras de Netherpollok, hora tereia vel eoeirca post merediem, sub anno, mense, die, indietione et pontificatu preseriptis; presentibus ibidem honorabilibus et discretis viris, Carolo Pollok de eodem, Roberto Maxwell, Johanne Chartaris, et Domino Willelmo Blayr, notario publieo, testibus ad premissa voeatis pariter et rogatis.

Et ego Dauid Dwne, areium magister, presbyter Glasguensis dioeesis, publieus auetoritate apostolica notarius, premissis ete.

Et ego Mertinus Rede, elerieus Glasguensis dioeesis, publieus autoritate imperiali notarius, quia premissis etc.

INSTRUMENT OF SASINE by JOHN MAXVEILE, Lord of Neddcrpollok, to his eldest son, JOHN MAXVEILE, et MARGARET BLAR his spouse, of parts of Nedderpollok, 6th October 1494.

68. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnacionis Dominice millesimo quadringentesimo nonagesimo quarto, die vero mensis Octobris sexto, indictione decima tercia, pontificatus sanctissimi in Christo patris ac domini nostri, domini Alexandri diuina prouidencia pape sexti anno tercio : In mei notarii publici testiumque subscriptorum presencia constitutus honorabilis vir, Johannes Maxveile dominus de Neddirpollok, personaliter accessit ad illas quatuor mercatas antiqui extentus terrarum suarum, cum pertinenciis, jacentes ex parte australi ville de Neddirpollok, et consequenter ad quinque mercatas antiqui extentus terrarum suarum vulgariter nuncupatas Dikbar, Castailbar, Mathovbar et Commone, et ibidem de dictis quatuor mercatis et quinque mercatis terrarum cum pertinenciis, jacentibus in dominio de Neddirpollok infra baroniam de Renfrew et vicecomitatum eiusdem, tradidit dilectis suis Johanni Maxveile suo primogenito et apparenti heredi, et Margarete Blar vxori sue, eorumque diucius viuenti, in iuncta infeodacione, sasinam, statum hereditarium, ac realem, actualem, et corporalem possessionem, per terre et lapidis tradicionem vt moris est, secundum vim, formam, et tenorem carte sue dictis Johanni et Margarete vxori sue et heredibus suis masculis inde conficiende. De et super quibus omnibus et singulis sic premissis, honorabilis vir, Johannes Blar de eodem, nomine et ex parte suprascriptorum Johannis et Margarete, a me notario publico eisdem fieri peciit vnum vel plura publicum vel publica instrumentum vel instrumenta. Acta fuerunt hec super solum dictarum terrarum sub anno, mense, die, indictione et pontificatu quibus supra ; presentibus ibidem honorabilibus et prouidis viris, Villelmo Maxveile de Akynheid, Johanne Maxveile eius primogenito, Johanne Sprevl de Coldoune, Georgio Ralstoune, Archbaldo Kelso, Johanne Blar, et Thoma Reid, cum diuersis aliis testibus ad premissa vocatis specialiter pariter et rogatis.

Et ego Thomas Boyd, arcium magister, Glasguensis dioccsis presbiter, sacraque autoritate apostolica notarius publicus, quia premissis etc.

INSTRUMENT OF AGREEMENT between JOHN LORD MAXUEL and JOHN MAXUEL of Nederpollok, concerning the tenure of the lands of Nederpollok, 20th April 1495.

69. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno Incarnacionis Dominice millesimo quadringentesimo nonagesimo quinto, mensis Aprilis die vero vicesimo, indictione decimatercia, pontificatusque sanctissimi in Cristo patris et domini nostri, domini Alexandri diuina prouidencia pape sexti anno tercio: In mei notarii publici et testium subscriptorum presencia personaliter constituti nobilis et potens dominus, Johannes dominus Maxuel ab vna, et Johannes Maxuel de Nederpollok partibus ab altera, de et super certis litibus, debatis et contrauersiis inter eosdem primitus motis et litigatis ad talem tamen finalem deuenerunt concordiam. In primis, quod dictus Johannes Maxuel de Nederpollok renunciauit, prout de presenti renunciat presentis instrumenti tenore, omnibus juri, liti cause, proprietati et possessioni, quod et quas habuit et recuperauerat in plena curia vicecomitatus de Rainfrew, et eiusdem occasione quouismodo ex inquisicione eiusdem sibi dictas suas terras de Nederpollok nomine albe firme adiudicandas, premissis non obstantibus, wlt et declarare voluit se dictum Johannem Maxuel de Nederpollok et suos heredes dictas suas terras de Nedderpollok cum pertinenciis, certis contractibus concordatis et finaliter finitis pro perpetuo inter eosdem, tenere et possedere predictas terras de Nederpollok cum pertinenciis de dicto Johanne Domino Maxuel et heredibus suis et successoribus, in warda et reliuio pro perpetuo: Propterea, dictus Johannes Dominus Maxuel, pro suis beneuolencia, seruicio et gratitudine, wlt remittere, prout presentis instrumenti tenore remittit predicto Johanni Maxuel de Nederpollok et suo heredi vnico proximo successori duntaxat, omnia iura et onera sibi domino Maxuel racione warde et reliuii quomodolibet spectantia et pertinentia, dummodo ingressus dicti Johannis et heredis sui pretacti fiat racione warde et reliuii, ut premittitur, absque reuocacione quacunque: Promissit insuper, prout presentis instrumenti tenore promittit dictus Johannes Maxuel de Nederpollok pro se et heredibus suis, quod ipse seu heredes sui sectam curie vicecomitatus de Ranfrew in omnibus et singulis curiis dicti vicecomitatus, ibidem vel alibi tenendis, pro dicto Domino Maxuel, racione sue warde et reliuii et heredum suorum, dictum

Dominum Maxuel indempnem et indempnes seruabit et seruabunt, ac omnia onera ipsius eurie de Ranfrew ineumbeneia dieto Domino Maxuel sibi pertinentia portabunt seu portabit, sustinebunt seu sustinebit, ae de eisdem oneribus et sectis eurie, ut premittitur, releuabit seu releuabunt: Et quantum ad dimediam meream annui redditus dietarum terrarum de Nederpollok sibi Domino Maxuel, ut asseruit, debitam, dietus Johannes Maxuel de Nederpollok pro se et heredibus suis voluntarie promissit fore et stare voluntati et arbitrio dieti Domini Maxuel et heredum suorum, absque obstaeulo vllo, contradietione, vel demanda quo ad annuam solueionem eiusdem. Super quibus omnibus et singulis prefatus Dominus Maxuel a me notario publieo subscripto sibi fieri petiit publieum seu publiea instrumentum seu instrumenta. Aeta erant hec in ecclesia paroehiali de Mernys, Glasguensis diocesis, hora prima post meridiem vel eocirea, sub anno, mense, die, indictione et pontifieatu suprascriptis; presentibus ibidem honorabilibus et discretis viris, Roberto Maxuel fratre germano dicti Domini Maxuel, Carulo Pollok de eodem, Maxuel de Akinhed, Roberto Maxuel, filio et apparente herede Gilberti Maxuell de Conhetht, domino Petro Rudman eapellano, Johanne Hammiltone et Willelmo Hammiltone, cum diuersis aliis testibus ad premissa voeatis speeialiter et rogatis.

Et ego Mertinus Red, elerieus Glasguensis dioeesis, publicus autoritate imperiali notarius, quia premissis ete.

Instrument of Resignation of the half lands of Henristoun, in the hands of King James iv., in favour of John Maxuell of Nethirpollok, 8th July 1495.

70. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis patcat euidenter et sit notum quod anno ab Incarnaeione Domini millesimo quadringentesimo nonagesimo quinto, die vero mensis Julij oetauo, indieeione decimatercia, pontifieatusque sanctissimi in Christo patris et domini nostri, domini Alexandri diuina prouideneia pape sexti anno tereio: In excellentissimi, serenissimi, et potentissimi prineipis supremique domini nostri Jacobi quarti Scotorum regis illustrissimi, meique notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis armiger, Petrus Creehtoun, proeurator et eo nomine nobilis et potentis domini, Johannis Comitis de Levinax, Domini Dernlie,

vt per suas literas proeuratorii pergamino scriptas suoque sigillo, vt moris est, sigillatas, elare eonstabat, totas et integras terras oeeidentalis dimedietatis terrarum de Henristoun eum pertinentiis, jaeentes infra vieeeomitatum de Renfrew, dieto domino eomiti hereditarie pertinentes, in manibus dieti supremi domini nostri Regis, tanquam in manibus Senesealli Seoeie et domini superioris dietarum terrarum, proeuratorio nomine quo supra, per fustem et baeulum vt moris est, genibus flexis, eum omni reuerencia sursum reddidit, pureque et simplieiter resignauit. Qua resignaeione sie vt premittitur faeta, dietus supremus dominus noster Rex totas et integras prefatas terras oeeidentalis dimedietatis terrarum de Henristoun eum pertinentiis honorabili viro, Johanni Maxwell de Nethirpowok, et heredibus suis in feodo et hereditate imperpetuum, per huiusmodi fustis et baeuli tradieionem, saluo jure euiuslibet, dedit, tradidit, et deliberauit, seeundum tenorem earte dicti supremi domini nostri Regis prefato Johanni desuper fiende. Super quibus omnibus et singulis prefatus Johannes Maxwell a me notario publieo subscripto sibi fieri peeiit vnum seu plura publieum seu publiea instrumentum seu instrumenta. Aeta erant hee in eeclesia metropolitana Glasguensi, hora quinta post merediem vel eoeirea, sub anno, die, mense, indieeione et pontifieatu quibus supra; presentibus ibidem honorabilibus et diseretis viris, Roberto Lundy de Balgony, Domino Andrea Wod de Largo, milite, Andrea Wod de Blartoun, domino Andrea M'Brek, eanonieo Dunblanensi, Thoma Lummisdene, Willelmo Sinelar, eum diuersis aliis testibus ad premissa voeatis pariter et rogatis.

Et ego Iley Heraldus alias Henrieus Thomson, elerieus Sanetiandree dioeesis, publieus auetoritatibus imperiali et regali notarius, quia ete.

CHARTER by JOHN LORD MAXWELL to JOHN MAXWELL of Nethir Pollok, of the lands of Nethir Pollok, 3d November 1495.

71. Omnibus hane eartam indentatam visuris vel audituris, Johannes Dominus Maxwell, salutem in Domino sempiternam: Noueritis me dedisse, eoneessisse, et hae presenti earta mea eonfirmasse, neenon dare, eoneedere, et hae presenti earta mea eonfirmare dileeto eonsanguineo meo, Johanni Maxwell de Nethir Pollok, omnes et singulas terras de Nethir Pollok eum pertinentiis, iaeentes infra vieeeomitatum de Renfrew, pro suis seruieio et benemeritis predeeessoribus

meis multipliciter factis et perpetratis : Quequidem terre de Nethir Pollok cum pertinentiis fuerunt dicti Johannis Maxwell hereditarie, et quas idem Johannes, non vi aut metu ductus, nec errore lapsus, sed sua mera, pura, et spontanea voluntate, in manibus meis tanquam in manibus domini sui superioris earundem, personaliter apud Edinburgh sursum reddidit, ac per fustem et baculum pureque simpliciter resignauit, ac totum ius et clamcum, proprietatem et possessionem, que et quas in dictis terris cum pertinentiis habuit, habet, aut quouismodo habere poterit, omnino quietum clamauit imperpetuum : Tenendas et habendas omnes et singulas prenominatas terras de Nethir Pollok cum pertinentiis prefato Johanni Maxwell et heredibus suis, de me et heredibus meis, in feodo et hereditate imperpetuum, prout iacent in longitudine et latitudine, per omnes rectas metas suas antiquas et diuisas, in domibus, edificiis, boscis, planis, moris, marresiis, pratis, pascuis et pasturis, viis, semitis, aquis, stagnis, siluis, nemoribus, virgultis, riuolis et lacubus, petariis, turbariis, carbonariis, columbariis, cuniculariis, fabrilibus, brasinis, brueriis, genestis, lignis, siluicidiis, lapicidiis, lapide et calce, cum molendinis, multuris et eorum sequelis, aucupacionibus, venacionibus et piscacionibus, cum curiis et earum exitibus, amerciamentis, eschaetis et merchetis mulierum, cum communi pastura ac libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et aisiamentis ac iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad dictas terras de Nethir Pollok cum pertinentiis spectantibus, seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, vt premittitur, sine aliquo retinemento mei vel heredum meorum, ac adeo libere sicut ego vel aliquis predecessorum meorum dictas terras de Nethir Pollok cum pertinentiis liberius, quiecius et honorificencius tenui seu possedi, tenuerunt seu possederunt aliquibus temporibus retroactis : Reddendo inde annuatim dictus Johannes Maxwell et heredes sui michi et heredibus meis dimediam meream annui redditus in festo Penthecostes, si petatur, vnacum warda et reliuio dictarum terrarum de Nethir Pollok dummodo contigerit, ac cum secta communi in curia vicecomitatus de Renfrew, pro me et heredibus meis, suis sumptibus et expensis, pro dictis terris de Nethir Pollok geret et gerent, aut inuenire faciat seu faciant, tantum pro omni alio onere, exactione, questione, demanda, seu seruicio seculari que de dictis terris de Nethir

Pollok eum pertinentiis, per me, heredes meos, aut per alios quoseunque iuste exigi poterunt quomodolibet vel requiri: Et ego vero dictus Johannes Dominus Maxwell, heredes mei et suceessores, omnes et singulas prenominatas terras de Nethir Pollok cum pertinentiis dicto Johanni Maxwell et heredibus suis, adeo libere et quiete, in omnibus et per omnia, forma pariter et effeetu vt premissum est, contra omnes mortales warantizabimus, acquietabimus, et imperpetuum defendemus. In cuius rei testimonium parti huius carte indentate remanenti cum dicto Johanne Maxwell de Nethir Pollok sigillum dicti Johannis domini Maxwell est appensum, et parti prenominate carte indentate remanenti eum dieto Johanne domino Maxwell sigillum dicti Johannis Maxvell est appensum, apud Edinburgh, tercio die mensis Nouembris, anno Domini millesimo quadringentesimo nonagesimo quinto; eoram hiis testibus, videlicet, Roberto Charteris de Amysfeld, Edwardo Maxwell de Tynwald, Alano Stewart de Montgrenan, Karulo Pollok de eodem, Nicholayo M'Braar preposito de Drumfrece, Johanne Maxwell filio et apparente herede Willelmi Maxwel de Akinhed, Johanne Charteris, et Jacobo Zoung notario publico, cum multis aliis.

Precept of Sasine by John Lord Maxwell in favour of John Maxwell of Nethir Polloke, of the lands of Nethir Pollok, 4th November 1495.

72. Johannes Dominus Maxwell, dileetis meis Roberto Maxwell, fratri meo germano, Karulo Pollok de eodem, Nicholayo M'Braar preposito de Drumfreice, et Johanni Alansone in le Mernis, ac eorum alteri eoniunctim et diuisim balliuis meis in hae parte specialiter eonstitutis, salutem: Quia dedi et eoncessi hereditarie dileeto consanguineo meo, Johanni Maxwell de Nethir Polloke, omnes et singulas terras de Nethir Pollok cum suis pertinenciis, iacentes infra viceeomitatum de Renfrew, quequidem terre de Nethir Pollok cum pertinenciis fuerunt dieti Johannis Maxwell hereditarie, et quas idem Johannes, non vi aut metu duetus, nec errore lapsus, sed sua mera, pura, et spontanea voluntate in manibus meis, tanquam in manibus domini sui superioris earundem, personaliter apud Edinburgh sursum reddidit, ac per fustem et baculum pureque simpliciter resignauit, prout in earta mea indentata sibi desuper eonfecta plenius continetur; Vobis igitur, et vestrum cuilibet eoniunctim et diuisim, precipio et mando, ac do in mandatis, quatenus visis presentibus, indilate saisinam, statum, et posses-

sionem hereditariam omnium et singularum predictarum terrarum de Nethir Polloke cum pertinentiis suis prefato Johanni Maxwell, vel suo certo actornato latori presentium, secundum tenorem dicte carte mee quam de me inde habet iuste deliberetis et haberi faciatis sine dilatione; et hoc nullo modo omittatis:

Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim meam plenariam, liberam, et irreuocabilem potestatem committo per presentes. In cuius rei testimonium sigillum meum presentibus est appensum, apud Edinburgh, quarto die mensis Nouembris, anno Domini millesimo quadringentesimo nonagesimo quinto.

INSTRUMENT OF SASINE, in favour of JOHN MAXWELL of Nethir Pollok, of the lands of Nethir Pollok, 6th November 1495.

73. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnationis Dominice millesimo quadringentesimo nonagesimo quinto, mensis uero Nouembris die sexto, indictione decimaquarta, pontificatusque sanctissimi in Christo patris et domini nostri, domini Alexandri diuina prouidencia pape sexti, anno quarto: In mei notarii publici testiumque subscriptorum presencia personaliter constitutus honorabilis vir, Karolus Pollok de eodem, videlicet, Vffir Pollok, balliuus in hac parte magni et potentis domini, Johannis Domini Maxwell, specialiter deputatus, quoddam preceptum saisine sigillo dicti Johannis Domini Maxvell sigillatum, de et super terris de Nethir Pollok in medium produxit; cuius quidem precepti saisine tenor sequitur et est talis: Johannes Dominus Maxwell dilectis, etc. [No. 72, *supra*.] Et sic finit, etc. Cuius quidem precepti vigore et auctoritate idem Karolus Pollok, ballinus in hac parte ut premittitur, personaliter accessit ad messuagium manerii terrarum de Nethirpollok, et ibidem saisinam, statum, et possessionem hereditariam omnium et singularum terrarum de Nethirpollok cum pertinentiis, iacentium infra vicecomitatum de Renfrew, Johanni Maxwel de Nethirpollok, per terrarum et lapidum tradicionem ut in talibus fieri consuetum est, secundum tenorem carte indentate sibi per prefatum Dominum Maxwell desuper confecte, tradidit et deliberauit in feodo et hereditate imperpetuum: Super quibus omnibus et singulis prefatus Johannes Maxvell a me notario publico subscripto sibi fieri

petiit vnum seu plura publicum seu publica instrumentum seu instrumenta. Acta fuerunt hec apud messuagium manerii de Nethirpollok, sub anno, mense, die, indictione et pontificatu suprascriptis ; presentibus ibidem honorabilibus et prouidis viris, Magistro Alexandro Stevarde, Domino Thoma Coeherane vicario de Colmanell, Jacobo Hammiltoun, Jacobo Stevarde, Hugone Maxvell, Dauid Brysoun, Johanne Bowe, et Willelmo Clerk, cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Dauid Rede, presbyter Glasguensis dioeesis, publicus auctoritatibus imperiali et regali notarius, quia premissis ete.

GRANT by JOHN LORD MAXWELL to JOHN MAXWELL of Nethir Pollok of the ward and relief of the lands of Nethir Pollok, 4th November 1495.

74. Be it kend till all men be thir present letters, me Johnne Lord Maxwell, that forsamekle as I haf infeft heretabilly, be charter and sessing, my belouitt cousing, Johnne Maxwell of Nethir Polloke, in all and sindry the landis of Nethir Polloke, with thar pertinens, liand within the schirefdome of Renfrew, to be haldin of me and myne aieris in ward and releiff, and for vther seruis and deweteis contenit in my said charter maid to hyme tharupone, like as the sammyn in the selff at plane proportis ; neueretheles and nochtwithstandin the said infeftment, for singular luff and fauor that I haf and beris to the said Johnne Maxwell, ande for his seruis done to me, I, for me and myne aieris, frely quitclames and dischargis the said Johnne Maxwell, and his ane air allanerly next succedand to him eftir his disces, of the ward and releiff of the said landis of Nethir Pollok, with the pertinens, endorand all the dais of his liff, and his ane air next succedand to him quhatsumeuer, be thir my present letters, but cauillatioun, fraud, or gile, ande na remeid of law to be proponit nor allegit in the contrar. In witnes of the quhilk thing to thir present letters my sele is to hungin, at Edinburgh, the ferd day of the moneth of Nouembere, the zer of God a thousand four hundreith nynty and fyve zeris ; befor thir witnes, that ar to say, Robert Charteris of Amisfeld, Edward Maxwell of Tynwald, Alane Stewart of Montgrenan, Charles Pollok of that Ilke, Nichol M'Braar, alderman of Drumfrece, Johnne Maxwell, sone and apperand air to the lard of Akinhed, and Johnne Charteris, with otheris diuers.

INSTRUMENT on the delivery by JOHN LORD MAXWELL of a grant by him to JOHN MAXWELL of Nethir Pollok, and his next heir, of the ward and relief of the lands of Nethir Pollok, 3d November 1495.

75. In Dei Nomine, Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno ab Incarnacione Domini millesimo quadringentesimo nonagesimo quinto, mensis vero Nouembris die tercia, indictione decimaquarta, pontificatus sanctissimi in Christo patris et domini nostri, domini Alexandri diuina prouidencia pape sexti anno quarto : In nostrum notariorum publicorum et testium subscriptorum presencia personaliter constitutus nobilis et potens dominus, Johannes Dominus Maxwell, ex sua certa scientia et spontanea voluntate, vt asseruit, habensque in manibus suis quandam literam in pergameno scriptam et sub eius sigillo sigillatam, quamquidem literam manibus suis propriis honorabili viro Johanni Maxwell de Nethir Polloke tradidit et deliberauit; cuius litere tenor sequitur in hiis verbis: Be it kend till all men be thir present letteres, me Johnne Lord Maxwell, that forsamekle as I haf infeft heretabilly be eharter and sessing my belouitt eousing, Johnne Maxwell of Nethir Polloke, in all and sindri the landis of Nethir Pollok with thar pertinens, liand within the schirefdome of Renfrew, to be haldin of me and myn aieris in ward and releiff, ande for vther seruis and deweteis contenit in my said eharter maid to him tharupone, like as the sammyn in the selff at plane proportis; neuere the les and noehtwithstanding the said infeftment, for singuler luf and fauor that I haf and beris to the said Johnne Maxwell, and for his seruis done to me, I, for me and myne aieris, frely quitelames and disehargis the said Johnne Maxwell and his ane air allanerly next sueeedand to him eftir his disees, of the ward and releiff of the saide landis of Nethir Polloke with thar pertinens, endorand all the dais of his liff, and his ane air next sueeedand to hyme quhatsumeuer, be thir my present letters. In witnes of the quhilk thing to thir present letters my sele is to hungin, at Edinburgh, the ferd day of the moneth of Nouember, the zere of God a thousande four hundreith nyntj and fyve zeris; befor thir witnes, that ar to say, Robert Charteris of Amisfeld, Edward Maxwell of Tynwald, Alane Stewart of Montgrenan, Charlis of Polloke of that Ilke, Nieholl M'Braar, alderman of Drumfreee, Johnne Maxwell, sone and apperande air to the lard of Akinhed, and Johnne Charteris, with otheris

diuers. Super deliberatione supradiete litere prefatus Johannes Dominus Maxwell a nobis notariis publieis subseriptis sibi fieri petiit vnum vel plura publieum seu publiea instrumentum et instrumenta. Aeta erant hee infra burgum de Edinburgh, in hospieio dieti Domini Maxwell, hora quasi sexta post merediem vel eoeirea, sub anno, mense, die, indietione et pontifieatu quibus supra; presentibus ibidem honorabilibus viris, videlieet, Roberto Charteris de Amysfeld, Edwardo Maxwell de Tynwald, Alano Stewart de Montgrenan, Karulo Polloke de eodem, Nieholayo M'Braar, preposito de Drumfreee, Johanne Maxwell, filio et apparente herede Willelmi Maxwell de Akinhed, Johanne Charteris, Roberto Maxwell, fratre dieti Johannis Domini Maxwell, et Edwardo Maxwell, nepote et apparente herede dieti Edwardi Maxwell de Tynwald, testibus ad premissa voeatis speeialiter et rogatis.

Et ego Jaeobus Zowng, elerieus, Sanetiandree dioeesis, publieus auctoritatibus imperiali et regali notarius, quia premissis ete.

Et ego Johannes Tiri, Sanetiandree dioeesis elerieus, publieus saeris apostoliea imperiali et regali autoritatibus notarius, quia ete.

Deed of Consent by Mathew Earl of Leuenax to the alienation of the lands of Hilfeylde, by John of Quhytfurde of the Hylfeylde, in favour of Alan of Park of the Bagaraw, 9th November 1495.

76. Be it kende till all men be thir present letters, ws, Mathev Stevarde Erle of Leuenax and Lorde Dernle, to be eontent and to have grantyt and gyffyn our eonsent and assent to a diseret man, Johne of Quhytfurde of the Hylfeylde, tyll analy, sell, and away put the landis of the Hilfeylde wyth thair pertinentis, lyande wythin the barony of Renfrev and the lordehipe of Dernle, till ane honorable man, Alane of Park of the Bagaraw, his ayris, exeeutouris, or assignaez, ane or ma; and quhatsumeuer the sade Johne, or the sade Allane, doys, or ledis to be donn, in the sade sellyng and alienatioun of the sade landis of the Hilfelde wyth thair pertinens, our will is that it be na preiudiee to thaim at our hande or our ayeris, the sade Johne and his ayris payande to ws and our ayeris devyteys and do seruis aeht and wovnt. In wytnes of the quhilk thyng, we the sade Mathew as hungyn to our seyll till thir our present letters,

at Glasgw, the ix day of the moneth of Nouembre, the zher of God j^{m} ccc^{o} nynte and fyve zheris; befor thir wytnes, Master Alexander Stevarde, our brothir-germane, Willzam Logane, Jamez of Hammyltoun, and Johne Stevarde, wyth otheris diuers.

SERVICE of ROBERT MAXUELE, as heir of the late Gavin Maxuele of Calderuod, knight, his father, in the lands of Cragtoune and Thombowe, 16th January 1497.

77. Hee inquisitio faeta apud Dunbertane, deeimo sexto die mensis Januarii, anno Domini millesimo quadringentesimo nonagesimo septimo, coram Valtero Logane de Garteonnele vieeeomite deputato de Dunbertane, per hos subscriptos, videlieet, Robertum Dannestone de Culgran, Johannem Lindesay de Bunnule, Johannem Simple de Fouluod, Johannem Lill de Arddardane, Andream M^{c}Ferlan de Aroehare, Johannem Culquhoune de Camstrodane, Nieholaum Buntyne de Ardaeh, Robertum Maxuel de Stanle, Patrieium Galbraith, Patricium Dowglas, Bertolomeum Mungumre, Robertum Porterfeilde, Willelmum Sehaw, Willelmum Gartsehore, et Thomam Dowglas. Qui iurati dieunt quod quondam Gawinus Maxuele de Calderuod, miles, pater Roberti Maxuele latoris preseneium, obiit vltimo vestitus et sasitus ut de feodo ad paeem et fidem domini nostri regis de terris de Cragtoune et Thombowe eum pertineneiis, iacentibus infra comitatum de Leuenax et vieeeomitatum de Dunbertane; et quod dietus Robertus est legittimus et propinquior heres eiusdem quondam Gawini patris sui de predietis terris eum pertineneiis; et quod est legittime etatis; et quod diete terre valent nune per annum xx^{ti} mareis, et tempore paeis valuerunt x libris; et quod dicte terre tenentur in eapite de Domino Matheo Steward Comite de Leuenax per seruitium warde et reliuii et dimedietatem vnius seetoris eommunis in curiis dieti domini eomitis; et quod diete terre sunt in manibus dieti domini eomitis tanquam domini superioris earundem per spatium sex annorum et vii mensium, per mortem dieti quondam Gawini in defeetu heredis ius suum hueusque non prosequentis. In euius rei testimonium sigillum dicti vieeeomitis deputati, vnaeum sigillis quorundam qui diete inquisitioni intererant fiende presentibus, anno, die, mense et loeo supradietis sunt appensa.

PRECEPT by MATHEW EARL OF LEUENAX for infefting JOHN QUHYTFURD, seeond son of John Quhytfurd of that Ilk, and EGIDIA PARK, his spouse, in the lands of Hilfeld, 20th Oetober 1499.

78. Matheus Comes de Leuenax, Dominus Dernle et de Hilfeld, dileetis meis Johanni Esdaill, Gilberto Lydgait et Matheo Stewart, balliuis meis in hae parte eoniunetim et diuisim specialiter eonstitutis, salutem: Quia dedi et eoneessi hereditarie dileetis meis Johanni Quhytfurd, seeundo filio Johannis Quhytfurd de eodem, et Egidie Park sue sponse, omnes et singulas terras meas de Hilfeld, iaeentes in dominio meo de Dernle et infra vieeeomitatum de Renfrew, prout in earta mea eiisdem desuper eonfeeta plenius eontinetur; vobis igitur, et vestrum euilibet eoniunetim et diuisim, preeipio et firmiter mando, quatenus visis presentibus, statum et saisinam hereditariam omnium et singularum dietarum terrarum de Hilfeld dietis Johanni et Egidie sue sponse et eorum alteri diutius viuenti, vel suis eertis aetornatis latoribus presentium, per traditionem terre et lapidis ut moris est, eonferatis seu alter vestrum eonferat indilate, saluo iure euiuslibet. Ad quod faeiendum vobis et vestrum euilibet eoniunetim et diuisim meam plenariam et irreuoeabilem tenore presentium eommitto potestatem In euius rei testimonium sigillum meum presentibus appendi feei, apud loeum meum de Dernle, xx die mensis Oetobris, anno Domini millesimo quadringentisimo nonogesimo nono; eoram hiis testibus, videlieet, Johanne Steward fratre domini eomitis, Johanne Paryss, Johanne Knokis, et domino Villelmo Blar, notario publieo.

LETTERS OF REMISSION by KING JAMES IV. to JOHN MAXWELL, son and heir-apparent of John Maxwell of Pollok, Hugh Maxwell, brother-german of the Laird of Pollok, and another, 21st January 1500.

79. Jaeobus Dei Graeia Rex Seotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem: Seiatis quod remisimus Johanni Maxwell filio et heredi apparenti Johannis Maxwell de Nethirpollok, Johanni Maxwell seruitori dieti Johannis, et Hugoni Maxwell fratri germano Domini de Pollok, latoribus presentium, raneorem animi nostri, seetam regiam, et omnem aetionem que et quas erga ipsos seu eorum aliquem eoneepimus, habemus, seu habere

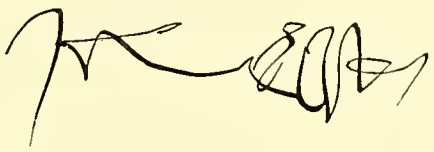
poterimus, pro precogitatis feloniis factis Johanni Constabile et Hectori Mure filio Domini de Caldwell, infra villam de Renfrew, et pro omnibus aliis criminibus, actionibus et offensis per dictas personas seu earum aliquam super Dominum de Caldwell et suos seruitores retroactis temporibus, vsque in diem date presentium, commissis seu quomodolibet perpetratis, et pro omni actione que eisdem personis seu earum alicui racione omnium premissorum imputari poterit, tantum dummodo partibus conquerentibus et dampna passis taliter satisfaciant quod nullam super hoc de cetero iustam querimoniam audiamus; et supradictas personas sub firma pace et protectione nostra iuste suscipiendas firmiter inhibemus, ne quis eis aut eorum alicui occasione transgressionum predictarum malum, molestiam, iniuriam, seu grauamen aliquod inferre presumat iniuste, super nostram plenariam forisfacturam, aut mortem eis aut earum alicui inferat sub pena amissionis vite et membrorum. In cuius rei testimonium has litteras nostras remissionis pro toto tempore vite dictarum personarum duraturas sub magno sigillo nostro sibi fieri fecimus patentes, apud Renfrew, vicesimo primo die mensis Januarii, anno Domini millesimo quingentesimo, et regni nostri decimo tertio.

Remissio pro Johanne Maxwell et duabus aliis personis.

Confirmation by King James iv. of a wadset, by John Maxwell of Pollok to John Lord Simpill, of the west half of the lands of Henristoune, 3d August 1503.

80. James be the grace of God king of Scottis, to all and sindri oure officiaris, liegis, and subditis quham it effeiris quhais knawlage thir oure letterz salcum, greting: Wit ze that forsamekill as oure louet Johnne Maxwell of Nethirpollok has analyt be chartir and sesing to oure cousing Johnne Lorde Simpill of Elzetstoune and his aeris all and hale the west half of the lanndis of Henristoune with the pertinentis, extending to five pundis of ald extent, liand in baronny of Renfrew, within the schirefdome of the sammyn, to be haldin of ws heretabli, vppoun the quhilk lanndis the said Johne of Maxwell has ane reuersioune of the said Johnne Lord Simpill apoun a certane sonmme of money, as the sammyn proportis; we neuertheless grantis and promittis be thir oure letterz, for ws and our successouris, to the said Johnne of Maxwell, his aeris and

assignais, that quhat tyme the said reuersioune beis fulfillit and eompletit in all poyntis eftir the tennore thareof, that the said Johnne of Maxwell, his aeris and assignais sal haif full regress in and to the said west half of the lanndis of Henristoune, with the pertinentis; and ratifyis and appruvis him and thame tennandis to ws of the sammyn in that tyme, als fre in all maner of thingis as the said Johnne of Maxwell was before the making of the said alienatioun. Gevin vnder our priue sele, at Edinburgh, the thrid day of August, the zer of God i^m^ v^c^ and thre zeris, and of oure regne the sextene zere.



Obligation by John Lord Simpill to John Maxwell of Pollok to defer uplifting an annualrent from Nether Pollok, in warrandiee of Wester Henderstoun, 5th August 1503.

81. Be it kend till all men be thir present letterz, me, Johnne Lord Simpill, to be bundin and oblist, and be thir present letterz and the faith and treuth in my body, lelely and treuly bindis and oblissis me to ane honorabill man, Johnne Maxwell of Nethir Pollok, that forsamekill as the said Johnne has gevin to me heretably, be chartir and sesing, ane annuelrent of five chaldir and aueht bollis of vittale, suffieient merchandiee, market gud and market met, that is to say, ane chaldir of beir and four chaldir and aueht bollis of meil zerely, to be tane, rasit, and deliuerit at the feist of Sanet Martin in winter, of all and sindry his landis of the tovne of Nethir Pollok with thare pertinentis, liand in the barony of Ranfrew and the schirefedome of the samyn, in speciale warrandiee of all and sindry the landis of Henderstoune Westir with thare pertinentis, liand in the barony and schirefedome foresaidis, analyt to me be the said Johnne Maxwell, like as at mare lenth is eontenit in the charteris and euidentis maid and gevin to me tharapone; neuertheless, I bind and obliss me faithfully, as said is, myne airis and assignais, that I nor thai, nor zit nane vtheris in oure names, sall tak vp nor ask the said annuelrent of five chaldir and aueht bollis of vittale, bere and mele, of the said landis and tovne of Nethir Pollok, nor na

part tharof, in na tyme to eum: bot gif sa be that the foirsaid landis of Henderstoune Wester with thar pertinentis be reeouerit and optenit fra me, myne airis and assignais, be the law, or ellis that I or thai bee swa vext, inquiet, and distrublit in the said landis of Henderstoun Westir with thare pertinentis, that I nor thai may noeht peeeably brouk and jois the samyn eftir the tennour, forme, and effeet of the ehartir and infeftment maid be the said Johnne Maxwell to me tharapone; and in thir foirsaid easis, gif it sall happin, as God forbeid it do, than it salbe leuefull to me, the said Johnne Lord Simpill, myne airis and assignais, to vplift, tak, ressaue, and peeeably to brouk and jois all and hail the foirsaid annuelrent of five ehaldir and aueht bollis of vittalis, beir, and mele aboue expremit, of the foresaid landis and tovne of Nethir Pollok with thar pertinentis, ay and quhill the said Johnne Maxwell, his airis or assignais, mak to me, myne airis or assignais, the forsaid hail landis of Henderstoun Westir, with thar pertinentis, fre, as the law will, of all elame and pley, as is abouewritten: And gif it sall happin the said landis of Hendirstoune Westir with the pertinens, or ony part therof, to be reeouerit or optenit be the law fra me, myne airis or assignais, or zit gif it sall happin me or thame, my tennandis, faetouris, or seruituris, to be vext, inquiet, stoppit, or distrublit in the peeeabill brouking and joising of the saidis landis, with thar pertinens, than sall I, myne airis or assignais, warne the said Johnne Maxwell, his airis or assignais, tharof, and require him or thame to warrand, aequiet, and defend to me, myne airis and assignais, the forsaid landis of Henderstoune Westir, with thar pertinens, eftir the forme of the said ehartir of infeftment, maid to me tharapone, or euir I, myne airis or assignais, or ony vtheris, in myne or thar names, mak persute or clame to the said annuelrent of five ehalderis and aueht bollis of vittalis, bere, and mele, gevin to me of the said landis and tovne of Nethir Pollok, in warrandiee of the saidis landis of Henderstoun Westir with thar pertinentis, noehtwithstanding the said Johnne Maxwelis ehartir and sesing maid and gevin to me therapone, all eauillatione, fraud, and gile away put and exeludit: To the observing, keping, and fulfilling of the premissis, and euery poynt and part therof lelely and treuly to be obseruit, kepit, and fulfillit in forme and effeet foirsaid, as said is, I bind and obliss me, myne airis, executouris, and assignais, myne and tharis landis, rentis, possessionis, and gudis moveabill and vnmoveable, present and for to eum, on quhat-

sumeuir steid thai may be fundin, to the said Johnne Maxwell, his airis and assignais, in the maist sikker forme and straitast stile of obligatioune that ean be maid or diuisit, and na remeid of law, canone nor eiuile, to be proponit nor allegit in the eontrare: In witnes of the quhilk thing to thir present letterz my sele is to hunging, at Edinburgh, the fift day of August, the zeir of God a thousand five hundreth and thre zeris, befor thir witnes, Maister William Levenax of Caly, Dauid Balfour of Carrestoune, Maister William Spreul, vicar of Kilbraehane, Sehir James Knox ehaplanis, Alane Simpyll, Johnne Gray, Thomas Inglis and James Zong, publie notaris, with vtheris diuers.

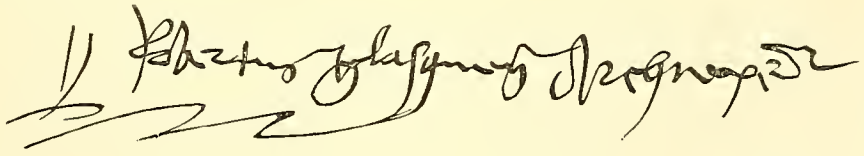
LETTER OF REVERSION by JOHN STEWARDE of Argowen to JOHN MAXWELL of Nethir Pollok, 18th May 1504.

82. Be it kende till all men be thir present letters, me, Johnne Stewarde of Argowen, to be stratlie bundyn and oblisit, and be the fatht ande treuth in my body, ande the tenor off thir presentis, byndis ande stratlie oblisis me, myne ayeris ande assignais, that thoeh ane honorabill man, Jhonne Maxwell off Nethir Pollok, gayff, grantit, ande be his heretabill eharter eonfermyt to me, myne ayeris and assignais, twenty sehillyng worth off his landis off alde extent, eallit the Park off Nethir Pollok, the quhilk inhabitis Jhonne of Hall and Robart Barde, lyande wythin the barony off Renfreu ande sehirefdome off the sammyn; I will neuer the les, ande als I grant ande oblis me, myne ayeris and assignais, lelely ande treuly, be the fatht ande treuth in my body, to wp geyff, purly and sympilly to resyng, ande frely fra me, myne ayeris ande assignais, to deliuer to the saide Jhonne Maxwell, his ayeris ande assignais, all and haill the forsaid tuenty sehillyng worth off landis off the Park of Nethir Pollok wyth thar pertinentis, to giddyr wyth stat, sasing, eharter, and euidentis maid and deliuerit to me, myne ayris ande assignais her apone be the said Jhonne Maxwell, his ayeris and assignais, ande to deliuer als sone and quhatsumeuer tym the saide Jhonne Maxwell, his ayeris or assignais, apone a day betuex the rysing off the sone ande passing to off the samyn day, and deliuer to me, myne ayris or assignais, on the paroeh alter off the Kyrk off Paslay, haill and to gidder, the sowme off four skor off markis in nomerit siluer ande glode off gud and wsuall mone off Seotland, bot fraud or gyill, sua that eftir the receptioun off the said

sowme off foir skor off markis, that nodir I the saide Jhonne Stewarde, myne ayeris or assignais, hayff ony elame, ryeh, possessioun, properte in nor to the said landis off the Park off Pollok wyth the pertinentis, but allwtterly we be exeludit tharfra the samyn landis wyth thar pertinentis, ande thame to be denudit for euir be thir presentis, sua that I the said Jhonne Stewarde, myne ayris or assignais, be laehfully warnit be the said Jhonne Maxwell, his ayris or assignais, to the receptioun and resset off the samyn sowme of four skor off markis on fourty days warnyng, at my place off habitatioun, or at my paroch kyrk, or personalie befor a notar and witnes, I the said Jhonne Stewarde, my ayeris or assignais, sall noeht wilfully absent ws fra the receptioun and ressat off the said sowme; ande herto I oblis me, myne ayeris and assignais, be the fatht and threuth in my body, exeep the said Jhonne Maxwell sall hayff na power to loys the saide landis quhill a zer begane eftir the dait off thir presentis; ande it happenis me the said Jhonne Stewarde, myne ayeris or assignais, as God forbed, thus laehfullie warnit, to absent ws fraudfully fra the receptioun off the said sowme off four skor off markis, it sall gener na pregidiee to the forsaid Jhonne Maxwell, his ayris nor assignais, bot lay downe the said sowme on the said alter in the kyrk off Paslay, and nomer the forsaid sowme befor witnes, ande leiff it thar wntan away, wyth the curat off the forsaid kyrk for the tym, ande ay fra thin furth the said Johnne Maxwell till hayff fre regress, he, his ayris and assignais, in and to the said landis off the Park of Neder Pollok wyth thar pertinentis, wyth outyn ony elame, ryeh, or ganealling off me, the said Johnne Steward, my ayeris or assignais, be ony maner off way in tym to eum; and to the obseruing and keppyn off all and syndry thir thingis abown writthyng, I the said Johnne Steward, for me, myne ayris and assignais, oblis me in the stratast forme and still of obligatioun, all fraud and gill exeludit and away put, for euir. In witnes of the quhilk thying I the said Johnne Stewarde to thir my present letters of reuersioun as hung my sell to this present writ, at the Blakhall, the awehten day off May, the zer of God a thousand fyf hundreth and four zeris, befor thir witnes, Master Robart Maxwell, son to the said Jhonne Maxwell, James Steward, Robart Brakenrig, Robart Garnar, wyth wdyrs diuers.

TACK by ROBERT [BLACKADDER], Archbishop of Glasgow, to SIR JOHN MAXWELL of Pollok, of the four merk land of Govane Sehelis, for five years, 28th August 1504.

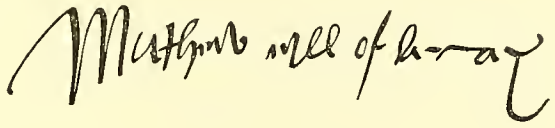
83. Ve, Robert be the mercy of Gode Arehbisehope of Glasgove, be the tenour of this present writt settis ande to mayle lattis to ane honorable mane and oure familiar seruitour, Johne of Maxvel of Nether Pollok, all and haile four merkis wortht of our landis of Govane Schelis, wyth the pertinentis, lyand in to our barony of Glasgev, quhilkys the said Johne hade and hais in taek and maling of ws and oure kirk of Glasgeve of befor, for all and sindry the dais and termes of fyve zeris fra the Vitsounday furtht next efter follovand the dait of the makin of thir presens ; the quhilk feist of Vitsounday salbe the said Johne of Maxvel of Nethir Pollokis entre in and to the tak and sett of the foirsaidis four merkis wortht of land of Govane Sehelis wyth the pertinentis : To be haldin and to be had all and haile the forsaidis four markis wortht of land wyth the pertinentis to the said Johne of Maxvel, indurand the al and sindry the dayis and termes foirsaidis ; payand thairfor zeirly the said Johne of Maxvel to ws and our suceessouris, and to our kirk of Glasgewe, sielik malis, devteis, and dev seruiee as the said Johne hais pait to ws for the samyn in times bigane, and efter the vse and eonsuetude of payment of sielik four markis wortht of land wythin our said barony of Glasgev, zeirly, at twa vsuale termes in the zere, Vitsounday and Mertinmes in winter, be evinly poreionis alanerly : Ande we forsutht, the said Robert Archbishop of Glasgev, and our sueeessouris, sal warrand the tak and sett of all and haile the foirsaidis four markis wortht of land of Govane Shelis, wyth the pertinentis, to the said Johne of Maxvel of Nether Pollok, indurand al and sindry the dais and termes of fyve zeris aboun writtin peciably, but fraud or gile. In witnes of the quhilk thing to thir presens subseriuit wyth our hand we haue affexit our seile, at the burght of Drumfres, the xxviij day of the moneth of August, in the zere of God ane thovsand five hundretht and four zeris.



GIFT by MATHEW SECOND EARL OF LEVENAX to MR. DAVID HAMMYLTOUN, parson of Castilstaris, of the ward and nonentry of the lands of Brownsyd, 17th February 1506.

84. Be it kend till men be thir present letters, ws, Matho Errl of Levenax, lord Dernlee, to haf sauld, and be the tenour of thir presentis, sell for a sowm of monie thankfully pait to ws in our myster, to our weil beluffit frend, master Dauid Hammyltoun, persoun of Castilstaris, and to his assignais, ane or maa, the ward of all and haill the landis of Brownsyd with the pertinence, of auld extent, lyand in the barony of Avandale, and within the sehirefdom of Lanerk, pertenyng till ws, and being in our handis be resoun of ward as superior thairof, throu the deces of vmquhill Hew Campbell of Bronesyd, our tennent thairof, and haldin of ws be seruiec of ward and relefe, for all the tym of the ward thairof, and ay and quhill the riehtwis air or airis enter thairto and recouer lauehful stait and sesing of the samyn; to gydder with the mariage of James Campbell, the son and air of the said vmquhill Hew, and failzeing of him be deces and vnmareit, [the mariage] of that air or airis, male or female sal happin to succed to the saidis landis: To be haldyn and to be had the warde of the saidis landis, with the pertinenee of the sammyn, to the said Master Dauid and his assigneis, ane or ma, for al the tym of the ward thairof, and ay and quhill the ryehtwis air or airis enter to the sammyn, as said is, togydder with the said mariage; with power to the said master David, and assignais forsaidis, to set the saidis landis to tennentis, and tak wp and dispoun the malis, prophetis, and dewiteis of the sammyn to thar vse zerly and termly, in tym to cum, during al the tym of the said ward, or to oceupy the sammyn with thar awn gudis as thai sal think expedient; and als to dispoun vppoun the said mariage to quhat persounis that the said master Dauid ples, frelie, quietlie, without ony reuocaeioun or gain calling; the said master Dauid payand to ws thairfor, that is to say, for the said ward, the sowm of fourseor of merkis, and for the said mariag, the sowm of sexscor of merkis, to be pait to ws betuex the date herof and the fest of Advincula Sancti Petri, callit Lammes, next to cum: And attour, we bind and obliss ws, be the faith and treuth in our body and the tennour of thir presentis, our airis and suecessouris, to warand the saidis ward and mariage to the said master Dauid, his airis and assignais, as

law requiris ; And gif the said mariage be recouerit fra the said master [Dauid] be the Lord Flemmyn, or ony otheris, be the law, we bynd and obliss ws to refwnd and pay to the said master Dauid, or his assignais, the said sexscor of merkis quhilk he gaf to ws for the said mariage, within twenty dais efter the said mariage be recouerit : In witnes of the quhilk thing we haff affixt our sell to thir our letters, togydder with our subscriptioun manuale, [at] Edinburght, the xvii day of Februar, the zer of God athousand fyf hundretht and sex [zeris, befor] thir witnes, a reuerand fader in God, Dauid Bischop of Ergill, Master Colqwhoun [ ], and Schir James Dewar, chaplan, with otheris dyuers.



Ratification by King James iv., under the Great Seal, 4th March 1506, of a Decree by the Lords of Council in favour of John Lord Maxwell, for loosing the recognition of the lands of Mernes and Nethir Pollok, 11th Deeember 1506.

85. Jacobus Dei gratia Rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem. Sciatis nos quoddam actum siue decretum per dominos nostri consilii inferius discriptos datum et promulgatum vtique intellexisse, sub hac forma. At Edinburgh, the xi day of December, the zeir of God i^{m} v^{c} and sex zeris, the Lordis of Counsale vnderwrittin, that is to say, reuerend faderis in God, William Bysehop of Abirdene, Johnne Bischop of Ros, Dauid Bischop of Ergile, nobile and myehty lordis, Archibald Erle of Ergile, Matho Erle of Levenax, venerabile faderis in God, James Abbot of Dunfermling, thesaurar till our Soverane Lord, Ninianc Priour of Coldinghame, and Robert Coluile of the Hiltoune, counsalis the Kingis Hienes to let the landis of the Mernes, with the pertinentis, liand within the schirefdome of Renfrew, to borgh to Johnne Lord Maxwell, and to lous the recognitioun made be his Grace thareapoun for the alienatioun of the mare part therof, becaus it is cleirely vnderstandin to the sade Lordis the leste part thareof is bot

analiit ; and alsua consalis the Kingis Hienes to let the landis of Nethir Pollok to the sade Johnne Lord Maxwell to borgh, and to lous the reeognitioun maid thareapoun be his Graee for the alienatioun of the mare part tharof, beeaus thai haue sene sufficient eharteris and evidentis berand the said landis of Nethirpollok to be ane haldin be the self and ane confirmacioun thareapoun, our Souerane Lord comperand be maistir James Hendersoun, his aduocate, and the said Lord beimg personaly presemt. Extractum de libro actorum, per me, magistrum Gawinum Dunbar Archidiaconum Sanctiandree, elerieum rotulorum registri ac eonsilii supremi domini nostri Regis, sub meis signo et subscripcione manualibus. Quodquidem actum siue decretum ac omnia et singula in eodem contenta, in omnibus et per omnia, approbamus, ratificamus, et per presentes, vt premissum est, confirmamus. Datum sub testimonio magni sigilli nostri, apud Edinburgh, quarto die mensis Marcii, anno Domini millesimo quingentesimo sexto, et regni nostri deeimo nono.

Discharge by John Lord Maxwell to Robert Maxwell, Viear of Erskyn, and John Maxwell of Akynheyde, for 300 merks due by them for the ward of Nether Pollok, 14th November 1509.

86. I, Johne Lord Maxwell, grantis me till haue rasauit the sovim of thre wnderheht merkis guid and vsuell mony of Scotland, be the handis of Maister Robart Maxwell, vicar of Erskyn, and Johne Maxwell of Akynheyde ; the quhilk sovim of thre wnderhecht markis the said Maister Robart and Johne war awand to me for the landis of Nedder Pollok, pertenand to me be rasone of ward ; the quhilkis landis the forsaidis Maister Robart and Johne eoft fra me for all the terme and tym of the forsaid ward : Of the quhilk sovim of thre wnderheeht merkis I grant me weyle eontent and payt, and dischargis the saidis Maister Robart and Johne, thar airis, exeeutouris, and assingnais, for me, my airis, executouris, and assingnais, of the forsaidis thre wnderheeht merkis, for now and euermair : And to the witnes of this quhiitcleyme, and my letter of disehargis, I haue affixit my seyle, with the subscripeioun of my hand, at Edinburgh, the xiiii day of Nouembar, in the zer of God 1^{m} v^{c} and ix zeris ; befor thir witnes, Robart Maxwell, my bruder, Schir Thomas Maxwell, chapellane, James Charteris, and James Hornonar, with vtheris diuers.

CHARTER OF CONFIRMATION by MATHEW SECOND EARL OF LEUENAX, LORD DERNLE, to JOHN OF QUHITFURD of Hilfeild, and EGIDIA PARK his spouse, of the lands of Hilfeild, 21st July 1512.

87. Omnibus hanc cartam visuris vel audituris, Matheus Comes de Leuenax et Dominus Dernle, salutem in Domino sempiternam: Sciatis, post nostram nouam infeodationem de toto et integro dominio de Dernle et terris eiusdem cum tenentibus, tenendriis, libere tenentium et seruieiis earundem, per supremum dominum nostrum Regem sub suo magno sigillo nobis factam, nos dedisse, concessisse, et hac presenti carta nostra confirmasse, necnon dare, concedere, et hac presenti carta nostra confirmare dilecto nostro Johanni de Quhitfurd de Hilfeild et Egidie Park sponse sue, et eorum alteri diutius viuenti in coniuncta-infeodacione, omnes et singulas predictas terras de Hilfeild cum pertinentiis, iacentes in dominio nostro de Dernle, infra vicecomitatum de Ranfrew; que quidem terre cum suis pertinentiis prius fuerunt dicti Johannis de Quhitfurd hereditarie, et per ipsum de nobis vt vna tenendria dicti dominii de Dernle ante dictam nostram infeodacionem in eisdem in capite tente; et in corroborationem, fortificationem et amplificationem iuris sui earundem, nos, motu proprio, libera voluntate, absque dolo vel circumuentione, et iure in contrarium quocunque non obstante, damus, concedimus, ac pro nobis et successoribus nostris, pro perpetuo confirmamus dictis Johanni de Quhitfurd et Egidie Park sponse sue, et heredibus suis hereditarie, totum ius, interesse, clameum et iuris titulum tam petitorium quam possessorium, que et quem nos, predicessores vel successores nostri, habuerunt, habemus, seu quomismodo habere poterimus vel poterint, in vel ad supradictas terras cum pertinentiis, rationibus recognitionis, alienationis maioris partis earundem, forisfacture, escheete, resignationis, non introitus heredum, seu quocunque alio titulo, occasione vel causa quarumcunque qualitercunque factis seu in futurum fiendis, cum supplemento omnium defectuum, habentes ipsos non expressos tanquam pro expressis; ac renunciamus, quitteclamamus, exoneramus, et sursum reddimus dictis Johanni et Egidie sponse sue ac heredibus suis eodem, ius, clameum, interesse, iuris titulum, ac omnem actionem, ius, et placitum que nos vel successores nostri super dictis terris seu aliqua parte earundem mouere poterimus seu poterint quoquomodo

infuturum, sine aliqua reuocatione seu contradictione quacunque: Tenendas et habendas omnes et singulas predictas terras de Hilfeild cum pertinentiis dictis Johanni de Quhitfurd et Egidie Park sponse sue, et eorum alteri diutius viuenti, et heredibus inter ipsos legittime procreatis seu procreandis; quibus forte deficientibus, heredibus dicti Johannis de Quhitfurd quibuscunque, de nobis et heredibus nostris in feodo et hereditate imperpetuum; per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in domibus, ... venationibus et piscationibus, cum curiis, curiarum exitibus, eschaetis et amerciamentis, ac cum communi pastura et libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, et asiamentis ac iustis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictas terras de Hilfeild cum pertinentiis spectantibus seu iuste spectare valentibus quomodolibet infuturum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retinemento, reuocatione aut obstaculo aliquali: Reddendo inde annuatim dicti Johannes et Egidia eius sponsa, eorumque alter diutius viuens, et heredes sui prescripti, nobis et heredibus nostris wardam et releuiam cum contigerint, et tres sectas curie nostre de Dernle ad tria placita capitalia, tantum pro omni alio onere, exactione seu demanda que de dictis terris exigi poterunt quomodolibet vel requiri: Et nos vero dictus Matheus, Comes de Leuenax et Dominus Dernle, et heredes nostri, omnes et singulas predictas terras de Hilfeild cum pertinenciis dictis Johanni de Quhitfurd et Egidie Park sponse sue, et eorum alteri diutius viuenti, et heredibus inter ipsos legitime procreatis seu procreandis, quibus forte deficientibus, heredibus dicti Johannis de Quhitfurd quibuscunque, adeo libere et quiete in omnibus et per omnia, vt supradictum est, contra omnes mortales warrantizabimus, acquietabimus, et imperpetuum defendemus. In cuius rei testimonium sigillum nostrum huic presenti carte nostre est appensum, vna cum subscriptione nostra manuali, apud collegium nostrum de Dunbertane, vicesimo primo die mensis Julii, anno Domini millesimo quingentesimo duodecimo; coram hiis testibus, Johanne Ardincapill, Macolmo Maxwell, Wilelmo Logane, Johanne Pares, Andrea Stewart, Patricio Danzelstoune, et Domino Roberto Cochrane presbytero, cum diuersis aliis.

MATHEW ERL OF LEUENAX.

PRECEPT OF CLARE CONSTAT by JOHN EARL OF LEUENAX for infefting HUGH MONTGUMRY in the lands of Portartone and Dyeonisbank, 28th October 1513.

88. Johannes Comes de Leuenax ac Dominus de Dernle, dilectis nostris Thome Relston, Thome Ross, Johanni Craufurd, et eorum alteri coniunctim et diuisim balliuis nostris in hac parte specialiter constitutis, salutem: Quia nobis per autentica documenta clare constat et est notum quod quondam Johannes Montgumry de Heslat, miles, pater Hugonis Montgumry latoris presencium, obiit vltimo vestitus et sasitus vt de feodo, ad pacem et fidem supremi domini nostri regis, de totis et integris terris de Portartone et Dyconis bank cum pertinenciis, jacentibus in dominio nostro de Dernle infra vicecomitatum de Renfrew; Et quod dictus Hugo est legittimus et propinquior heres eiusdem quondam Johannis, patris sui, de predictis terris de Portartone et Dyconis bank cum pertineneiis; Et quod est legittime etatis; Et quod predicte terre, de nobis tanquam domino superiore earundem tenentur in capite, et huiusmodi terre in manibus nostris tanquam in manibus domini superioris earundum nunc existunt et deuenerunt ob causam mortis dicti quondam Johannis Montgumry, patris prefati Hugonis; vobis igitur, et vestrum cuilibet coniunctim et diuisim, precipimus et mandamus, quatenus visis presentibus, indilate sasinam, statum, et possessionem hereditariam totalium et integrarum predictarum terrarum de Portartone et Dyconis Bank cum pertinenciis prefato Hugoni Montgumry, tanquam legittimo et propinquiori heredi dicti quondam Johannis patris sui, vel suo certo actornato latori presencium, secundum tenorem carte infeofamenti dictarum terrarum, juste deliberetis et haberi faciatis sine dilatione; et hoc nullo modo ommittatis: Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim nostram plenariam, liberam, et legittimam potestatem committimus per presentes. In cuius rei testimonium sigillum meum presentibus est appensum, apud Crukistone, xxviij° die mensis Octobris, anno Domini millesimo quingentesimo decimo tercio.

JHON ERL OF LEUENAX.

INSTRUMENT OF SASINE in favour of ROBERT LORD MAXWELL, as heir of his father, John Lord Maxwell, of the lands of Netherpollok, 9th February 1513.

89. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnationis Dominice millesimo quingentesimo decimo tercio, die vero mensis Februarii nono, indictione tercia, pontificatusque sanctissimi in Christo patris et domini, Leonis diuina prouidentia pape decimi, anno primo: In mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir, Johannes Maxwell de Stanle, vicecomes deputatus in hac parte vicecomitis de Renfrew, personaliter accedens ad terras de Netherpollok, quoddam preceptum saisine supremi domini nostri regis pergameno scriptum, sigillo vero ad hoc consueto more cancellarie regie alba cera inclusum, michi notario publico infrascripto tradidit perlegendum, sub hac uerborum forma: Jacobus Dei gracia Rex Scotorum, vicecomiti et balliuis suis de Renfrew, salutem: Quia per inquisitionem de mandato nostro per Johannem Charteris de Lochtoune, vicecomitem nostrum de Renfrew in hac parte, factam et ad capellam nostram retornatam, compertum est quod quondam Johannes Dominus Maxwell, pater Roberti Maxwell, militis, latoris presentium, obiit vltimo vestitus et saisitus vt de feodo ad pacem et fidem nostram de terris de Mernys, cum tenentibus, tenandriis, et libere tenencium seruiciis earundem, cum suis pertinenciis, saluis et exceptis vigintiquinque mercatis dictarum terrarum in quibus reuerendissimus in Christo pater Jacobus Archiepiscopus Glasguensis infeodatus est, et de terris de Netherpollok cum suis pertinenciis, jacentibus infra vicecomitatum nostrum de Renfrew; et quod dictus Robertus est legittimus et propinquior heres eiusdem quondam Johannis, patris sui, de dictis terris cum pertinenciis, exceptis prius exceptis; et quod est legittime etatis; et quod dicte terre de Mernys de nobis tenentur in capite, et dicte terre de Netherpollok de nobis tanquam Senescallo Scotie tenentur in capite; vobis precipimus et mandamus quatenus dicto Roberto, vel suo certo actornato latori presencium saisinam dictarum terrarum cum pertinenciis, exceptis prius exceptis, juste haberi faciatis et sine dilatione, saluo jure cuiuslibet; capiendo securitatem de quadraginta libris de releuio dictarum terrarum de Mernys, et de octuaginta libris de releuio dictarum terrarum de Netherpollok nobis debitis: Reseruando

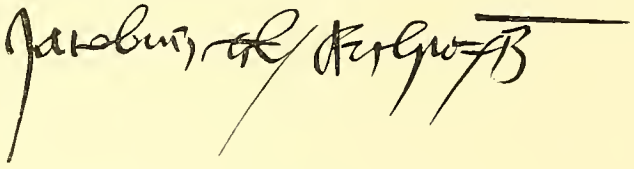
firmas predietarum terrarum de termino Sancti Mertini vltimo preterito dieto Roberto; et hoc nullomodo omittatis: Teste meipso, apud Perth, xxv^to^ die mensis Nouembris anno regni nostri primo: Post cuius quidem precepti lecturam idem vicecomes deputatus, vigore preinserti precepti, statum et saisinam, necnon realem, actualem, et eorporalem possessionem omnium et singularum predictarum terrarum de Netherpollok eum pertinenciis, nobili ac potenti domino Roberto Domino de Maxwell et suis heredibus, seeundum tenorem sue infeodationis, per terre et lapidis traditionem, vt moris est, tradidit et donauit imperpetuum; saluo jure cuiuslibet: Super quibus omnibus et singulis petiit prefatus Robertus Dominus Maxwell a me notario publico infrascripto hoe publieum sibi fieri instrumentum. Acta erant hec super solum dictarum terrarum, hora quasi decima ante meridiem uel eoeirea, sub anno, die, mense, indietione et pontificatu quibus supra; presentibus ibidem honorabilibus et discretis viris, Jaeobo Charteris, Johanne Kilpatrik, Willelmo Maxwell, Fergusio Duncansone, et Eduardo Duncansone, eum diuersis aliis testibus ad premissa vocatis speeialiter et rogatis.

Et ego Johannes Reid, artium magister, presbiter Glasguensis diocesis, publicus apostoliea ae regali auctoritatibus notarius, quia etc.

Grant of Rental by James [Beaton], Archbishop of Glasgow, to Robert Maxwell, Viear of Terboltoun (afterwards Bishop of Orkney), of Guvane Haggis and Schelis, 8th December 1515.

90. We, James be the merey of God Arehibischop of Glasgw, grantis ws till haue rentalit oure louit elerk, Maister Robert Maxwell, persoun of Terboltoun, channone of oure Kirk of Glasgw, in foure mark land of oure landis of Guvane Haggis and Schelis, quhilkis landis the said Maister Robert moder labouris and manuris, the day of the makyn of this writ, be tollerance of ws; the quhilkis landis of Haggis and Schelis ar foure markis in the hale: The said Maister Robert to bruke the said foure merk land eftir the decess of his moder, he payand to ws, oure chaumerlanis, faetouris, and successouris zerlie foure markis of male, at tua vsuale termez in the zere, Witsonday and Martimes in wyntir, be evinlic porcionis; and the dewiteis of oure myhe zerlie in Prettik, quhilk in the zere extendis to thre bollis thre ferlotis of malt, and zerlie sevin

bollis and thre ferlotis of mele, for the multure of the said foure mark land; togidder with all vthir dewiteis, and do seruice aucht and wont: For the quhilkis rentaling of the said Maister Robert to bruke the said foure merk land eftir the deeess of his moder, as said is, quhilk has it of tolleranee of ws, the said Maister Robert has payt ws in reddy money numerate the sowme of fifty pundis vsuale mone of Seotland. In witnes herof to this writ, subscriuit with oure hand, oure signete is affixit, at Edinburgh, the aueht day of December, the zere of God ane thousande five hundreth and fiftene zeris, and of oure eonseeracioun the sevynt zere.



Retour of Robert Maxwell, as heir to Robert Maxwell of Calderwod, his father, in the lands of Jaktoun, Allertoun, Newlands, Grynhills, and Tatis Thorntoun, 15th May 1518.

91. Inquisitione facta apud burgum de Ruglen, deeimo quinto die mensis Maii, anno Domini millesimo quingentesimo decimo oetauo, coram Edvardo Jhonistoun vieecomite deputato de Lanark, per hos probos et fideles subscriptos, magno iuramento interueniente, videlicet, Alexandrum Stewarte de Castelmylk, Johannem Lyndissay de Thornle, Valterum Maxwell de Akynhed, Valterum Crawfwrd de Ferme, Robertum Roberttoun de Yrnnok, Jacobum Stewarte de Twede, Vilelmum Hamiltoun de Caudor, Andream Lyndissay de Thorntoun, Arehebaldum Stewarte, Vilelmum Murray de Edystonhed, Jaeobum Vynzet de Freland, Johannem Small de Crokatsehell, Jaeobum Vycht alias Mochlyne, Stephanum Pirie et Johannem Kar: Qui iurati dieunt quod Robertus Maxwell de Calderwod, pater Roberti Maxwell, latoris presencium, obiit vltimo vestitus et saisitus vt de feodo ad paeem et fidem domini nostri Regis de terris de Jaktoun, de Allertoun, de Newlandis, de Grynhyllis, et Tatis Thorntoun cum pertinentiis, iaeentibus in baronia de Kylbryd, et infra vieeeomitatum de Lanark; et quod dictus Robertus est legittimus et propinquior heres eiusdem quondam Roberti, patris sui, de dietis terris de Jaktoun, de Allertoun, de New-

landis, de Grynhyllis, et de Tatis Thorntoun cum pertinentiis; et quod est legittime etatis; et quod dicte terre de Jaktoun, de Allertoun, de Newlandis, de Grynhyllis, et de Tatis Thorntoun cum pertinentiis valent nunc per annum quinquaginta mercis, et antiquo extentu trigenta quinque mereis, et tantum valent tempore pacis; et dicte terre de Jaktoun, de Allertoun, de Newlandis, de Grynhyllis, et de Tatis Thorntoun, cum pertinentiis, tenentur de domino nostro Rege in capite, tanquam senescallo Scosie, per seruicium varde et releuii, reddendo communem sectam ad curiam vicecomitis de Lanark: Et dicte terre de Jaktoun, de Allertoun, de Newlandis, de Grynhyllis, et de Tatis Thorntoun cum pertinentiis nunc sunt in manibus domini Regis per mortem dicti quondam Roberti Maxwell de Calderwod, ratione varde, per spatium octo annorum vel circa: In cuius rei testimonium sigilla quorundam inquisitioni qui intererant, vna cum sigillo vicecomitis deputati antedicti, breui regio incluso, huic inquisitioni sunt appensa, die et loco quibus supra.

Precept by John Earl of Leuenax for infefting John Maxwell of Stanle, and Agnes Lyll his spouse, in the lands of Hilfeld, 11th September 1518.

92. Johannes Comes de Leuenax ac Dominus Dernle, dilectis meis Constantino Maxwell, Henrico Hall, balliuis meis in hac parte coniunctim et diuisim specialiter constitutis, salutem: Quia alias hereditarie dedimus et concessimus nobili viro Johanni Maxwell de Stanle et Agneti Lyll sue sponse, necnon eorum alteri diucius viuenti in coniuncta infeodacione, ac heredibus inter eosdem procreatis seu procreandis, quibus deficientibus, heredibus dicti Johannis quibuscunque, omnes et singulas terras de Hilfeld, extendentes ad quadraginta solidatas terrarum antiqui extentus, jacentes infra dominium nostrum de Dernle et baroniam de Renfrew; quas terras Robertus Quhitfurd olim proprietarius earundem in manibus nostris tanquam in manibus domini superioris earundem pure et simpliciter resignauit, prout in carta nostra sibi Johanni super dictis terris conficienda plenius continetur: Eapropter vobis et vestrum cuilibet tenore presentium precipimus et mandamus, quatenus visis presentibus, indilate ad dictas terras accedatis, et ibidem super solum earundem statum et saisinam hereditarios, necnon realem, actualem, et corporalem possessionem omnium et singularum

dictarum quadraginta soliditarum de Helfeld sibi Johanni Maxwell et Agneti Lyle suc sponse, neenon eorum alteri diueius viuenti in coniuneta infeodacione, et heredibus inter eosdem procreatis seu proereandis, quibus defieientibus, heredibus dicti Johannis quibuseunque, seeundum formam et tenorem diete earte nostre desuper eonfieiende, ut moris est, deliberetis seu alter vestrum deliberet. Ad quod faeiendum vobis et vestrum euilibet, eoniunctim et diuisim, tenore presentium committimus potestatem et faeultatem impertimur specialem. In euius rei testimonium sigillum nostrum, vnacum nostra subscriptione manuali, presentibus est affixum, apud ciuitatem Glasguensem, die vndecimo mensis Septembris, anno Domini millesimo quingentesimo deeimo oetauo.

Jhon Erl of Leuenax.

Charter by John Earl of Leuenax and Lord Dernle to George Maxwell, son of the late John Maxwell of Nedderpollok, of the lands of Ardane, 24th September 1518.

93. Omnibus hane cartam visuris vel audituris, Johannes Comes de Lennax ae Dominus Dernle, salutem in Domino sempiternam: Noueritis nos, nostris eommodo et vtilitate vndique pensatis et preuisis, dedisse, concessisse, et hac presenti carta nostra confirmasse, neenon per presentes dare, concedere, et hae presenti earta nostra confirmare dileeto eonsanguineo nostro, Georgio Maxwell filio quondam Johannis Maxwel de Nedderpollok, totas et integras terras nostras de Ardane cum pertinentiis, extendentes ad decem mercatas terrarum antiqui extentus, jaeentes infra dominium nostrum de Dernle infra vicecomitatum de Reinfrew, in securitatem et varantizationem trium libratarum terrarum de Kowglen ac viginti soliditatarum terrarum de Litill Kowglenn, sibi Georgio et heredibus suis per nos uenditarum, casu quo ipse Georgius heredes sui et assignati fuerunt vexati, perturbati, molestati, aut inquietati in pacifiea possessione dietarum trium libratarum de Kowglen et viginti solidatarum terrarum de Litil Kowglen eum pertinentiis: Tenendas et habendas predictas deecm mereatas terrarum de Ardane cum pertinentiis prefato Georgio, heredibus suis et assignatis, de nobis, heredibus nostris et assignatis, in varantizationem predictarum terrarum in feodo et hereditate imperpetuum, per omnes reetas metas suas antiquas et diuisas, prout jacent in longitudine et latitudine, in boscis, planis,

moris, marresiis, viis, semitis, aquis, stagnis, riuolis et aquarum decursibus, petariis, turbariis, carbonibus, carbonariis, pomis, pomariis, cuniculis, cuniculariis, aucupaeionibus, venaeionibus, piscaeionibus, molendinis, multuris et eorum sequelis, cum curiis et earum exitibus, amerchiamentis, herezeldis, bludvetis et merchetis mulierum, cum domibus et edificiis, cum communi pastura et libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, asiamentis et profieuis quibuscunque, tam non nominatis quam nominatis, tam prope quam procul, tam subtus terra quam supra terram, ad predictas terras de Ardane cum pertinentiis spectantibus seu juste speetare valentibus, et adeo quiete, libere, integre, honorifice, bene et in pace, sine aliquo retinemento, obstaculo aut contradictione quaeunque, sicut nos prefatus Johannes aut aliquis predeeessorum meorum predictas terras cum pertinentiis de Ardane tenuimus seu possedimus tenuerunt seu possederunt: Reddendo inde annuatim prefatus Georgius, heredes sui et assignati, nobis, heredibus et assignatis nostris, vnum denarium vsualis monete regni Scocie, nomine albe firme, super solum dictarum terrarum de Ardane, in festo Pentheeostes si petatur tantum, pro omni alio onere, exactione, questione, seruitio seculari, seu demanda que de dictis terris cum pertinentiis exigi poterunt seu requiri per quoscunque. Et nos vero prefatus Johannes comes, heredes nostri et assignati, prenominatas terras de Ardene cum pertinentiis prefato Georgio, heredibus suis, suis et assignatis, per modum varantizationis ut predicitur, varantizabimus, acquietabimus, et tenore presentis carte contra omnes mortales imperpetuum defendemus. In cuius rei testimonium sigillum nostrum proprium, vnacum nostra subscriptione manuali, presentibus est appensum, apud Glasgw, viecsimo quarto die mensis Septembris, anno Domini millesimo quingentesimo decimo octauo, coram his testibus, Waltero Maxuell de Aekinheid, Magistro Thoma Stewart, Domino Thoma Erskyne, Wilelmo Blair, et Jacobo Schelis, cum diuersis aliis.

JHON ERL OF LEUENAX.

INSTRUMENT OF GIFT by Mr. ROBERT MAXWELL, Rector of Torboltoun and Canon of Glasgow, to JOHN MAXWELL and ELIZABETH HOUSTOUN his spouse, of the ward of Nethir Pollok, 30th October 1518.

94. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat

euidenter et sit notum quod anno Incarnationis Dominice millesimo quingentesimo decimo octauo, die vero mensis Octobris penultimo, indictione septima, pontificatusque sanctissimi in Christo patris et domini nostri, domini Leonis diuina prouidentia pape decimi anno septimo: In mei notarii publici et testium subscriptorum presencia personaliter constitutus venerabilis vir, magister Robertus Maxwell, rector de Torboltoun ac canonicus Glasguensis, etc., vardatariusque, et eo nomine, dominii et terrarum de Nethirpollok cum pertinentiis, propter certas causas et fauores animum suum ad infrascripta mouentes, et propter seruicium Johannis Maxwell minoris annis ac heredis dictarum terrarum de Nethir Pollok factum et fiendum sibi Magistro Roberto, libere et gratanter dedit, concessit, et simpliciter donauit sibi Johanni Maxwell, sponso Elisabeitht Houstoune, ex nunc quinque libratas terrarum de Nethir Pollok, cum horto, turri et ceteris domibus edificatis ex ista parte aque de Cart sitis, cum ceteris sequelis et pertinentiis quibuscunque huiusmodi turri et mansioni ac dictis terris incumbentibus et spectantibus quomodolibet; introitusque ipsius Johannis et dicte Elisabeitht suc sponsc in et ad dictas terras, hortum, turrim et domos cum ceteris pertinentiis eisdem incumbentibus erit in proximo festo Sancti Martini, ad intromittendum et disponendum super huiusmodi terris ac easdem arandum cum earum pertinentiis ad commodum, proficuum, et vtilitatem ipsorum Johannis et Elisabeitht coniugum et vsque ad legitimam etatem dicti Johannis. Et si ipse Johannes decesserit ab hac luce, quod absit, Dei gratia interueniente, ipsa Elisabeitht tantum habebit vnam certam terciam earundem quinque libratarum terrarum de Nethir Pollok, vt premittitur. Necnon idem Magister Robertus vardatarius ut supra, eundem Johannem suum constituit balliuum ad omnes et singulos tenandos huiusmodi terrarum de Nethir Pollok, cum potestate curias tenendi, defectus earundem puniendi, et atthechiamenta faciendi et amerchiamenta recipiendi, et super eisdem disponendi ita libere et bene sicut ipse vardatarius exnunc habet easdem. Super quibus omnibus et singulis honorabilis vir, Patricius Houstoun de eodem, nomine et ex parte dictorum Johannis et Elisabeitht sue sponsc, a me notario publico infrascripto sibi fieri peciit instrumentum et instrumenta. Acta erant hec in ecclesia metropolitana Glasguensi, hora vndecima vel circiter ante merediem, sub anno, mense, die, indictione et pontificatu prenotatis; presentibus ibidem dicto Patricio Houstoun, Magistro Jacobo Houstoun, Domino Willelmo Huntar capellano, Georgio Houstoun fratre ger-

mano dicti Patricii, et Henrico Dwne, laicis, cum diuersis aliis ad premissa vocatis pariter et rogatis.

Et ego Dauid Bruyce arcium magister, presbyterque Glasguensis diocesis, publicus auctoritate apostolica notarius, premissis donacioni et concessioni huiusmodi terrarum et pertinentiarum ut premittitur, ac omnibus aliis etc.

INSTRUMENT OF RENUNCIATION by JOHN EARL OF LENAX of the right to redeem the lands of Cowglen from GEORGE MAXWELL, son of the late John Maxwell of Nedder Pullok, 29th June 1519.

95. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnationis Dominice millesimo quingentesimo decimonono, mensis vero Junii die penultimo, pontificatus sanctissimi in Christo patris et domini, domini nostri Leonis pape decimi anno septimo, indictione septima: In mei notarii publici et testium subscriptorum presentia personaliter constitutus nobilis ac potens dominus, Johannes Comes de Lenax Dominus Dernle, non vi aut metu ductus, nec errore lapsus, quauisve alia mala machinatione aut dolo circumuentus, sed sua mera, libera ac spontanea voluntate, suisque commodo et vtilitate vndique preuisis et pensatis, attendens et considerans quod ipse nobilis dominus alias terras de Mekil Cowglen et Litil Cowglen cum suis pertinentiis nobili viro Georgio Maxwel, filio quondam Johannis Maxwel de Nedder Pullok, et heredibus suis et assignatis, vendidit et alienauit super reuersionem certe summe pecunie inibi extunc expresse, prout in cartis, literis, et euidenciis ac instrumentis et documentis desuper editis continebatur et continetur. Nonobstantibus tamen, idem nobilis dominus extradonauit et renunciauit a se et heredibus suis pro perpetuo, omni iuris clameo, iuri et titulo quam habet, habuit, seu habere poterit in seu ad relaxationem seu redemptionem prescriptarum terrarum de Cowglen Mekil et Litil, vigore literarum reuersionis sibi de dictis terris factarum per ipsum Georgium: Quasquidem literas reuersionis ipse nobilis dominus Comes cassauit, adnullauit, nulliusque esse roboris efficacie aut momenti declarauit et voluit, omnique iuri sibi ad dictas terras vigore dicte reuersionis in [cunctis], vt predicitur, imperpetuum renunciauit et extradonauit; et hoc pro quadam certa summa pecunie sibi [domino] comiti per ipsum Georgium gratanter et pre manibus persolutum pro huiusmodi extra-

donacione et renunciacione. Super quibus omnibus et singulis petiit prefatus Georgius a me notario publico hoc publicum sibi fieri instrumentum: [Acta] erant hec in hospicio venerabilis et egregii viri, Magistri Roberti Maxwel canonici Glasguensis, hora ter[cia post] meridiem vel eacirca; presentibus ibidem honorabilibus et discretis viris, Johanne Steward de , Wilelmo Maxwel et Johanne Knox cum diuersis aliis testibus ad premissa vocatis.

Et ego Johannes Reid artium magister, etc.

LETTER OF REVERSION by JOHN WEIR, son and apparent heir of John Weir of the Weichschaw, and MARGARET CARLILE his spouse, to JOHN MAXWELL of Nederpollok, of the easter quarter of the Schawis, on payment of 100 merks, 23d December 1519.

96. Be it kend till all men be thir present letters, ws, Jhonne Weir, sone and apperand air of Jhone Weir of the Weichschaw, and Margreit Carlile my spous, forsamekle hes ane noble man, Jhonne Maxwell of Nederpollok, with consent and assent of his curatour, Maister Robert Maxwel, chanchleir of Murray and chanoun of Glasgw, hes sauld and analeit to vs, and to the langar leifar of vs tua, in coniunct fee, all and haill the landis callit the Eistir Quartar of the Schawis, with the pertinence, liand within the barony of Renfrew and schirefdome of the sammyne, extendyng to tuenty sillyng land of auld extent, lik as is at mair lyntht expremit in his chartour maid to vs thairapone, to be bundyng and oblist, and be thir presentes byndis and oblisis vs, our aieris and assignais, to the said Jhone Maxwell of Nederpollok, his aieris and assignais, that quhat tyme or how soyne the said Jhone of Maxwel, his aieris or assignais, contentis and pais to vs, or to the langar leifar of vs tua, our aieris or assignais, the sowme of ane hundreitht merkis gud and vsual money of Scotland in ane nowmerit sowme, apone ane day betuex the risyng of the sone and topassing of the sammyne, apone the perroch altar of Glasgw, we, the saidis Jhone and Margret, our aeris or assignais, beand varnit thair to lauchfullie apone fourty dais varnyng, personaly at our perroch kyrk or duellyngplace, say at the said varnyng cum to our knawleig, thane we bynd and obliss vs, our aieris and assignais foirsaid, to resyng and gifoure, purclie and symplie fra vs, our aieris and assignais, all rycht, and titill of rycht, that we or thai hes, had,

or may haife in and to the said cister quartar of the Schawis, with the pertinentis, to the saide Jhone Maxwell, his aieris and assignais, with chartour and saising maid till vs thairapone: And gif it sal happyne the said Jhone, his aieris or assignais, to varne vs the said Jhone and Mergret, our aieris or assignais, as said is, and bryng the said sowme of ane hundretht merkis, and nowmer the sammyne apone the said altar, we, our aieris or assignais, absentand vs thairfra, it sal be leful to the said Jhone Maxwell, his aieris and assignais, til haue ful and fre regres in and to the said eistir quartar of the Schawis with the pertinentis, with out ony proces of law or impediment of vs, our aieris or assignais, the said Jhone of Maxwell, his aieris or assignais, leifand the said sowme of ane hundreth merkis behynd thaim, in sovir firmanec and keping, to the vtilite and profet of vs, our aieris or assignais, and nocht takyne the sammyne away witht thaim, al fraud, gyile, and dissait sceludit and away put. In vitnes of the quhilk thing, to thir our present letters of reuersioun we haue hvng to our avin propir selis, togidder with our subscriptionis manualis, at Glasgw, the tuenty thre day of December, the zeir of God ane thousand fyif hundretht and nyntene zeris, befoir thir vitnes, Georgio Steward, Jhone Cochren, Hendre Ralstoun, Martyne M'Nacht, Maister Nichol Vithirspouyne, with vtheris diuers.

Jhon Veyr, vyth my hand.
Margret Carlill, on my hand on the pen.

Charter by John Earl of Lennax Lord Dernle to John Maxwell of Estyrstanle, and Agnes Lyill his spouse, of the lands of Hilfeld, 20th May 1520.

97. Omnibus hanc cartam visuris vel audituris, Johannes Comes de Lennax ac Dominus Dernle, salutem in Domino sempiternam. Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse dilcetis meis Johanni Maxwell de Estyrstanle et Agneti Lyill eius sponse, et eorum alteri diueius viuenti, in coniuncta infeodatione, et heredibus inter ipsos legittime procreatis seu procreandis, quibus forte deficientibus, veris, legittimis et propinquioribus heredibus dicti Johannis quibuscunque, omnes et singulas terras meas de Hilfeld cum pertinentiis, extendentes ad quadraginta solidatas terrarum antiqui extentus,

iaeentes infra dominium meum de Dernle et vieeeomitatum de Renfrew : Quequidem terre de Hilfeld, eum pertinentiis, fuerunt hereditarie Roberti Quhitfurd, et quas idem Robertus, non vi aut metu duetus, nee errore lapsus, sed eius mera et spontanea voluntate, in manus meas vt in manibus domini superioris earundem, apud Glasgw, eoram fidedignis testibus, personaliter per fustem et baculum sursum dedit, pureque et simplieiter resignauit, ae totum jus et elameum juris, proprietatem et possessionem, que, quas et quod in eisdem terris eum pertinentiis habuit aut habere potuit, pro se et heredibus suis, omnino quieteelamauit imperpetuum : Tenendas et habendas omnes et singulas predictas terras de Hilfeld eum suis pertinentiis, extendentes vt supra, prefatis Johanni Maxwell et Agneti Lyil eius sponse, eoniunetim et diuisim, in eoniuneta infeodatione, et heredibus inter ipsos legittime proereatis seu proereandis, quibus defieientibus, veris, legittimis et propinquioribus heredibus dieti Johannis quibuseunque, de me et heredibus meis, in feodo et hereditate imperpetuum, prout iaeent in longitudine et latitudine, per omnes reetas metas suas antiquas nouas et diuisas, in domibus, edifieiis, boseis, planis, moris, marresiis, viis, semitis, aquis, stangnis, siluis, nemoribus, virgultis, riuolis et laeubus, pratis, paseuis et pasturis, petariis, turbariis, earbonariis, euniculariis, eolumbariis, fabrilibus, brasinis, brueriis et genestis, lignis, lapieidiis, lapide et ealee, molendinis, multuris et eorum sequelis, aueupationibus, venaeionibus et piseaeionibus, cum euriis et earum exitibus et amerehiamentis, herezeldis, bluydwittis et merehetis mulierum, ae eum eommuni pastura liberoque introitu et exitu, ae eum omnibus aliis et singulis libertatibus, eommoditatibus, profieuis et aisiamentis, ae justis suis pertinentiis quibuseunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, tam proeul quam prope, ad predictas terras de Hilfeld eum suis pertinentiis speetantibus, seu iuste speetare valentibus quomodolibet in futurum, et adeo libere, quiete, plenarie, integre, honorifice, bene et in paee, in omnibus et per omnia, sieut alique terre infra regnum Scoeie alieui per aliquem liberius dantur, eoneeduntur, aut dari vel eoneedi poterunt, qualitereunque in futurum ; ae sine retinemento, reuocatione aut eontradietione quibuseunque : Reddendo inde annuatim prefati Johannes et Agnes eius sponsa, et eorum alter diueius viuens, et heredes inter ipsos legittime proereati seu proereandi, quibus defieientibus, legittimi et propinquiores heredes ipsius Johannis quicunque, miehi et heredibus meis, vnum denarium vsualis monete regni

Scocie, super solum dictarum terrarum in festo Penthecostes, nomine albe firme, tantummodo si petatur, pro omni alio onere, exactione, questione, demanda seu seruicio seculari, que de predictis terris de Hilfeld cum pertinentiis per quoscunque inde iuste exigi poterunt quomodolibet vel requiri: Et ego vero dictus Johannes Comes de Lennax et Dominus Dernle, heredes mei et assignati, totas et integras predictas terras de Hilfeld cum earum pertinenciis prefatis Johanni Maxwell de Estyrstanle et Agneti Lyill eius sponse, et eorum alteri diucius viuenti, in coniunctam infeodacionem, et heredibus inter ipsos legittime procreatis seu procreandis, quibus deficientibus, legittimis et propinquioribus heredibus ipsius Johannis Maxwell quibuscunque, adeo libere et quiete, in omnibus et per omnia, forma pariter et effectu, vt premissum est, contra omnes mortales varantizabimus, acquietabimus, et imperpetuum defendemus. In cuius rei testimonium sigillum meum huic presenti carte mee est appensum, vna cum subscriptione mea manuali presenti affixa, apud Glasgw, viccsimo die mensis May, anno Domini millesimo quingentesimo viccsimo; coram hiis testibus, Magistro Waltero Kennyde, Dauid Schaw, Roberto Quhitfurd, Andrea Gessum, et domino Jacobo Knox, Vicario de Curmannok, cum diuersis aliis.

Jhon Erl of Leuenax.

Charter by Thomas Ralstoun of Rosholme to Beatrix Maxwell of Carnduff, on the occasion of their marriage, of the lands of Dunlophil, 15th September 1520.

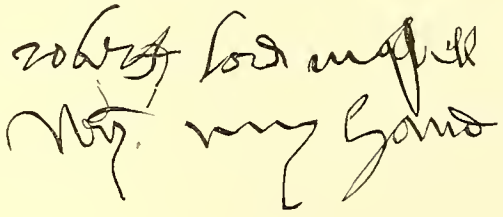
98. Omnibus hanc cartam visuris vel audituris, Thomas Ralstoun de Rosholme, salutem in Domino sempiternam. Noueritis me, meisque vtilitate et commodo primitus preuisis et pensatis, dedisse, concessisse, et hac presenti carta mea confirmasse, necnon per presentes dare, concedere, et hac presenti carta mea confirmare dilecte mee Beatrici Maxwell de Carnduff, pro suis obsequiis et benemeritis michi multipliciter impensis, necnon occasione et intuitu matrimonii contrahendi inter me et prefatam Beatricem, totas et integras terras meas de Dunlophil cum pertinentiis, extendentes ad quadraginta solidatas terrarum antiqui extentus, iacentes infra balliam de Cunyghame et vicecomitatum de Are, in vitalem redditum pro toto tempore dicte Beatricis: Tenendas et habendas totas et integras predictas terras de Dunlophill cum pertinentiis pre-

fate Beatrici in sua viduitate existente, in vitalem redditum pro toto tempore vite eiusdem, de supremo domino nostro rege tanquam senascallo Scotie, suisque heredibus et successoribus, per omnes rectas metas suas nouas antiquas et diuisas, prout iacent in longitudine et latitudine, in domibus, edificiis, boscis, planis, moris, marresiis, pratis, pascuis, pasturiis, viis, semitis, aquis, stangnis, riuolis, lacubus, petariis, turbariis, carbonibus, carbonariis, columbis, columbariis, cuniculis, cunicularíis, fabrilibus, braseis, brueriis, genestis, siluis, nemoribus, virgultis, siluicidiis, lapicidiis, lapide et calce, molendinis, multuris et eorum sequelis, aucupacionibus, piscacionibus et venacionibus, cum curiis et earum exitibus, et amerchiamentis cum communi pastura, liberoque introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, asiamentis ac iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras de Dunlophil cum pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retenemento aut reuocatione mei, heredum meorum, aut aliquorum nostrorum assignatorum quorumcunque: Reddendo inde annuatim dicta Beatrix, pro toto tempore vite sue, dicto supremo domino nostro regi tanquam senascallo Scotie, suisque heredibus et successoribus seruicium inde debitum et consuetum, tantummodo pro omni alio onere, exactione, questione, demanda, seu seruicio seculari que de dictis terris de Dunlophill cum pertinenciis, durante vita dicte Beatricis, per quoscunque inde iuste exigi poterunt vel requiri: Et ego vero prefatus Thomas, heredes mei et assignati, totas et integras predictas terras de Dunlophill cum pertinentiis prefate Beatrici in vitalem redditum, pro toto tempore vite sue, in omnibus et per omnia, forma pariter et effectu, ut premissum est, contra omnes mortales varantizabimus, acquietabimus, et imperpetuum defendemus. In cuius rei testimonium sigillum meum proprium, vna cum mea subscriptione manuali presentibus est appensum, apud ciuitatem Glasguensem, die decimo quinto mensis Septembris, anno Domini millesimo quingentesimo vicesimo; coram his testibus, egregio viro Magistro Roberto Maxwel, Cancellario Morauiensi ac Canonico Glasguensi, Domino Macolmo Flemyng, Jacobo Crauffurd, Henrico Ralstoun, et Magistro Nicholao Withirspuyne, cum diuersis aliis.

THOMAS RALSTOUN of the Ros holm.

LETTERS OF BAILIERY by ROBERT LORD MAXWELL, appointing GEORGE MAXWELL of Kowglen constable and keeper of the eastle of Mernis for seven years, 28th January 1520.

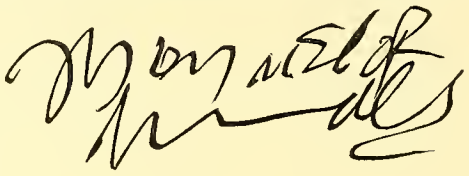
99. Be it kend till all men be this present vrit, me, Robert Lord Maxwell, to haif maid, constitud, and ordanit, and be this present vrit makis, constitudis, and ordanis my weill beluffit cosyng, Georgis Maxvell of Kowglen, my constabill and kepar of my eastall of the Mernis, lyand wythin the schirefdowme of Renfrew and barrony of the samen, wyth sic lik profettis and dewetis as my said castall had ws and vont of befor to the kepin of it, for all the termis and tymis of sevyn zeris next and inmediatly fowlowyn the dait of this present and the entra of the said Georgis now ineontenent to the said castall, and to in dwr sevyn zeris eftir this next Vitsonday, for his seruice don and to be don; and be this present vrit, I bynd and oblis me to kep this forsaid eonstabelry for the said sevyn zeris to my said cosyng, as said is, bot fraud or gyill, be the fayth and threwth in my body: and to the vitnes herof I haif set to my seill, to gidder vyth my subseriptioun, at Edinburgh, the twenty aueh day off Januar, the zer of God ane thowsand fyf hundreth and twenty zeris, befor thir vitnis, Walter Steward, Sir Robert Melweyn, James Relston, and Jhon , wyth vderis diuers.



APPOINTMENT by JOHN EARL OF LENNOX of his cousin, GEORGE MAXWELL of Kowglene, to redeem the lands of Pottertoun and Dikonys-bank, 15th November 1521.

100. Be it kend til al men be thir present letteris, ws, Jhone Erle of Lenax and Lord Dernle, to haiff maid, constitut, and ordanit, and be the tenour of thir presentis, makis, constitutis, and ordanys our weil belowit cusing, George Maxwel of Kowglene, our veray lauchful and onedowtable cessionar and assignay to

redeyme and lows our landis of Potertovn and Dikonys-bank, lyand within the lordschip of Dernle and barony of Renfrew, fra Hew Montgumry of Hesleid, apone the sowmys eontenyt in the reuersionis quhilkis we haff apone the alienatione and wedsettyne of the sammyn; giffand and grantand to our eusing forsaid ful power in thir premissis, as we war present our selff, with al elausulis neeessar and requirit to ane eessionar and assignay. In vitnes heroff we haff subscrivit this wret with our hand, and set to our seyl to the sammyne, at Cruxtoune, the xv day of November, zer of God a thousand fyf hundretht xxi zeris, befor thir vitnes, Jhone Maxvel of Anochre, Master Walter Curre, and Thomas Grenhil, vith oderis diueris.



DISCHARGE by HEW MUNGUMRE, lard of Hessylheyd, to GEORGE MAXWEL of Culglen, for 130 merks, 18th November 1521.

101. Be it kend till all men be thir presentis, me, Hew Muntgumri, lard of Hesilhed, till haif tayne and resauyt fra the handis of ane honorabil man, George Maxwel of Culglen, all and hail the sowme of sex schoir of merkis and tene, of the quhilkis sowme I ame weil eontent, assighit, and plesit; and als I, and for me, myn airis, exeeutouris, and assignais, quytelemis, exoneris, and disehargis the said George Maxwel of the Culglen, his airis, exeeutouris, and assignais of the sowme forsayd for now and euir; and atour, quytelemis, exoneris, and disehargis the said George of Maxvel of all ryehttis that I haif, or may haif, to the landis of Potertovne and Dieonysbank. In vytnes of the quhilk thynge I haif subseriuit this my aequytanee, at the Heslet, the xviij day of Nouember, in the zere of God ane thowsand fiif [hundreth] and xxi zeris, befor thir vytnes, Thomas Ralston of the Rose Holme, Alexander of Fergushil of that Ilk, Henri Hal, and Jhone of Hammyltowne, vith otheris diueris.

HEW MUNGUMRE of the Hessylheyd.

Disposition by John Earl of Lennox to George Maxvell of Cowglen, of the lands of Pottartone and others, with Taek of said lands after Redemption, 19th November 1521.

102. Be it kend til al men be thir present letteris, me Jhon Erle of Lennox and Lord Dernly, to be bundyng and oblist, and be thir myn present letteris byndis and oblysis me be the fath and trewthe in my body, myn ayris, exeeutwris, and assignais, eoniunely and seueraly, renuneiande the benefice of division til ane wyrsehepful man, George Maxvell of the Cowglen, his ayris, exeeuturis, and assignais, that forsamekill hais I haif sauld, anelyt, and away put fra me, myn ayris, exeeuturis, and assignais, the landis of Pottartone and Diceonisbank, with thare pertinence, to the said George, his ayris, executuris, and assignais, for ane eertane sowme of gold deliuerit and payt til me in nwmerit mone, that is to say, ane lewyne scoyr of merkis and ten of fyne gold; the quhilkis was deliuerit, fyfty pwndis of ridaris Franehe erownis and Scottis erownis, and the ramayne of the saidis lewyn scoyr of merkis and ten in vnieornis; the quhilk sowm extendis to the wayll of the said landis: Herfor I bynd and oblysis me in the form abwffe wrytyn, that gyff it happynnis me or myn ayris to redeyme and lows the saidis landis eftir the tennor of the lettir of reuersion made thairapon be the sayd George til me, I or thai sal pay and deliuer the sowm abwffe expremyt of a lewyn seor of merkis and ten, in sielyk gold as is abwife wrytyn of my rasayt. And I and myn ayris sal nocht eonsent to the redemyng and relaxyng of the forsaid landis in fauoris, vtilite, or profeit of ony other persone bot alwterly tyl myn self or myn ayris, and til myne or thairis propyr ws. Alswa I vil, grantis, and promittis that the said Georgis, his ayris, exeeuturis, or assignais, sal browyke, joys, and manwr peeepbil the forsaid landis with thair pertinenee in assedaeion of me or myn ayris, for al the tymis and termes of sewyne zheris nixt the gidder and immediatly folowand the tyme of the lowsyng of the saidis landis, gyff it sa happynis tham to be lowsit; the forsaid Georgis, his ayris, exeeuturis, and assignais payand zherly til me or myn ayris sielyk male and dewetis hais the inhabitaris of the said landis payt til me in the tyme of the maken of this present obligation; that is to say, fyf mark and ane half and xvi pennys of penny

male, and thre bollis of ber and ane half, and thre peekis, with other dewetis, hais nyehtbur and other. And herattour I, na myn ayris, exeeuturis, nor assignais, nor zeit nane otheris trowth I, na in myn name, sal molest, inqwiet, perturbe, no zeit wex no tribule, be no maner of way, the said George, his ayris, exeeutwris, nor assignais, his or thairis men-seruandis, tenandis, or inhabitaris, in the peeeabil browken, manteinyng, and manwryng of the said landis, hais he or his ayris, exeeuturis, or assignais thynkis mast expediende and profeetabile, odir be tham self to manwr in manys, or to set to tenandis or inhabituris, oder for male and gerssown or for ferm. Bot I and myn ayris, exeeuturis, and assignais, sal defend, warand, and mak qwiet the saidis landis with thar pertinenee to the said George, his ayiris, exeeuturis, assignais, and inhabitaris, and defend and manteym hym and tham, and his seruandis quhatsumeuer, bath in the law in the thyngis abwfe wrytyne, in eaws lethful and honeste: And to obserff, fulfyll, and kepe al and syndry thir punetis abwif writyne, and al oder punetuamentis and eonditionis innit and maid betuix me and the said Georgis, I and ilk ane of myn hais oblyst me, myn ayris, exeeuturis, and assignais, in the stratast form of obligation that ean be devisit, but ineonuenient, and gyffyn my bodely athis thar apon, the haly ewangilist twyehit, bath as ane and ane as bath, eoniunely and seueraly, renuneiand the benefite of diwision as said is; all remede of law, eywel or eannon, statut law, or aek of Parliament, to be exeludyt alwterly and away put, made or to be made in the eontrar herof, but fraude or gile, question, eauelation, or demande: And I nor myn ayris, exeeuturis, nor assignais, no none otheris in my name, neuer to be hard in the eontrar herof, onder the pane of maynsweryng, inabilite, and defamatione. In witnes of the quhilk thyng I the said Jhone hais gart affix my seil to this present wryt, at Glasgw, the xix day of the moneth of Nouember, the zer of God a thowsand fyf hundreth and ane and twenty zeris, befor thir vitness, Jhon Maxvell of the Vest Stenly, Hendery Hall, and wder diuers.

Jhon Erl of Lennox.

CHARTER by JOHN EARL OF LENAX LORD DERNLIE to GEORGE MAXVELL of Cowglenne, of the lands of Pottartowin and Dyconisbank, 19th November 1521.

103. Omnibus hanc cartam visuris uel audituris, Johannes Comes de Lenax, Dominus Dernlie, salutem in Domino sempiternam: Noueritis me dedisse, vendidisse et alienasse, necnon per presentes dare, vendere, et alienare, et hac presenti carta mea confirmare nobili viro Georgio Maxvell de Cowglenne, meo perdilecto, omnes et singulas terras meas de Pottartowin et Dyconisbank, cum suis pertinentiis, iacentes in dominio meo de Dernlie infra vicecomitatum de Renfrew, pro certa summa pecunie michi pre manibus totaliter persoluta et deliberata, ac in vsum meum disposita et conuersa; de quaquidem summa teneo me bene, integre et gratanter solutum et pacatum, dictumque Georgium, heredes suos et assignatos, pro me, heredibus meis et assignatis, de predicta summa in pecunia numerata quietum et quietos clamo imperpetuum per presentes: Tenendas et habendas omnes et singulas predictas terras de Pottartowin et Dyconisbank, cum vniuersis et singulis suis pertinentiis, de me et heredibus meis, predicto Georgio Maxvell, heredibus suis et assignatis in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in boscis, planis, moris, marresiis, viis, semitis, aquis, stangnis, lacubus, riuulis, pratis, pascuis et pasturis, molendinis, multuris, et eorum sequelis, cum curiis, eschaetis et earum exitibus, herezeldis, bluydwittis et mulierum merchetis, cum aucupationibus, venationibus, piscationibus, petariis, carbonariis, turbariis, cum lapide et calce, cum communi pastura, et libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis, ac iustis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procull quam prope, ad predictas terras cum pertinentiis, spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquibus impedimento, retinemento, aut reuocatione mei, heredum meorum, aut aliquorum nostrorum successorum aut assignatorum, et adeo libere et quiete sicut ego prefatus Johannes Comes de Lenax Dominus Dernlie, aut aliqui predecessorum meorum, predictas terras de Pottartowin et Dyconisbank cum suis pertinentiis liberius, quiecius et honorificencius, aliquibus temporibus re-

troaetis tenui seu possedi, tenuerunt seu possiderunt: Reddendo inde annuatim dictus Georgius, heredes sui et assignati, michi, heredibus meis et assignatis, vnum denarium vsualis monete Scoeie currentis, super solum dictarum terrarum in festo Penthecostes, nomine albe firme, tantummodo si petatur, pro omni alio onere, exactione, questione, demanda, seu seruicio seeulari que de predictis terris cum suis pertinentiis per me, heredes meos uel assignatos, uel per quoscumque alios inde iuste exigi poterunt quomodolibet uel requiri: Et ego vero dictus Johannes Comes de Lenax Dominus Dernlie, heredes mei et assignati, omnes et singulas predictas terras de Pottartowin et Dyconisbank eum suis pertinentiis prefato Georgio Maxvell, heredibus suis et assignatis, in omnibus et per omnia, modo, forma pariterque et effeetu quibus supra, eontra omnes mortales varantizabimus, aequietabimus, et imperpetuum defendemus. In cuius rei testimonium sigillum meum huie presenti earte mee est appensum, vnaeum manuali mea subseriptione, apud eiuitatem Glasguensem, die deeimonono mensis Nouembris, anno Domini millesimo quingentesimo viccsimo primo; coram hiis testibus, venerabili et egregio viro Magistro Roberto Maxvell, Cancellario Morauiensi, Johanne Maxvell de Anrochre, Henrico Hall, et Wilelmo Maxvell, elerieo parrochiali de Estwod, eum diuersis aliis testibus.

Jhon Erll of Leuenax.

Gift by John Duke of Albanye, Governor of Scotland, to John Maxwell of Pollok, of the taxt of Nether Pollok, 24th August 1522.

104. We, Johnne Duk of Albanye, Tuetour to our Souueraine Lord and Guuernour of his realme, be thir presentis ouris letterez, hes gewin and quiitit and gewis and quietis to our louit Johnne Maxwell of Nedirpollock his taxt, awand to our said Souueranis for his xx lib. landis of Nedirpolloek, extending to x merkis Scottis money, deseharging the sehireff of Renfrew and all otheris of the samyn sowm. Subseriuit with our hand, at Edinburgh, the xxiiij day of August, the zeir of God I^{m} v^{c} and xxii zeris.

Testament of George Maxwell of Kowglene, 30th August 1522.

I.H.S.

105. In Nomine Indiuidue Trinitatis, Amen. Ego Georgius Maxwell de Kowglene, sanus corpore, mente et ratione, tamen, ob pericula guerrarum ex nunc eminentium, condo testamentum meum in hunc modum: In primis, do et lego animam meam Deo omnipotenti et beate Uirgini Marie, totique curie celesti triumphanti, corpusque meum sepeliendum vbi diuina placuerit clementia, quatuor denarios fabrice Sancti Kentigerni: Et constituo executores meos, videlicet honorabilem et egregium virum, Magistrum Robertum Maxwell cancellarium Morauiensem, canonicum Glasguensem, Jonetam Maxwell meam sponsam, et Magistrum Johannem Reide vicarium de Campsy, ut ipsi disponant de bonis meis secundum meam vltimam voluntatem, prout reddituri sunt rationem coram supremo Judice in die Judicii.

Inuentarium omnium bonorum meorum refero libris computi mei et rentali scriptis et subscriptis mea scriptura manuali.

Legacia.

In primis, volo et ordino quod quidam capellanus ydoneus, eligendus per meos executores, celebret pro septennio futuro a die obitus mei, apud altare beate Uirginis Marie in ecclesia de Estwod, quotidie cum dispositus fuerit, et qualibet festiuitate beate Uirginis ordino quinque missas celebrandas apud idem altare per ipsum capellanum et alios eligendos per eum: Pro eius stipendio annuatim, durantibus dictis septem annis, lego et ordino duodecim mercas soluendas eidem capellano.

Item, lego pro sustentatione huiusmodi dicti altaris beate Uirginis de Estwod, tres vaccas: Item, altari beati Gvalli in eadem ecclesia, vnam vaccam: Item, altari sancte Crucis in eadem ecclesia, vnam vaccam: Item, altari Sancti Niniani in ecclesia predicta, vnam vaccam: Item, altari beate Brigide de Mernis, duas vaccas: Item, altari beate Uirginis Marie in Mernis, vnam vaccam.

Item, volo et ordino quod executores mei de bonis et rebus meis sustentent filium meum, Georgium Maxwell, vsque ad etatem septemdecim annorum in omnibus suis necessariis, et postmodum persoluant sibi summam decem librarum de bonis meis.

Item, lego Katherine Maxwell, filie quondam Johannis Maxwell, militis, de

Pollok, mei fratris, eentum mereas ad suum maritagium. Residuum omnium bonorum meorum, debitis et legatis extraetis, lego filio meo Roberto. Aetum in ciuitate Glasguensi, penultimo die mensis Augusti, anno Domini I^m v^c. xxii^do.

GEORDIS MAXWELL.

Johannis Bridin notarius publicus manv propria ita seripsit.

BOND OF MANRENT by JOHN EARL OF LEUENAX to GEORGE MAXWELL of the Kowglene, 1st May 1524.

106. Be it kend till all men be thir present letters, ws, Johne Erle of Levenax and Lord Dernle, forsamekle as ane honorable man and our traist cosing, George Maxwell of the Kowglene, is beeumin man till ws of speciale retinew, wyth manrent and seruice for all the dais of his life, as his letters maid to ws thairupone mair fullely proportis; we herfor faithfully promittis to manteine, help, supple, and defend our said cosing and man in all and sindry his aetions, causis, and querelis quhatsumeuir, honest and lefull, movit and for to be movit, as ane Lord suld defend his man and cosing, but fraude or gile, aganis all thame that dee and leif mai, our souerane Lord the King and his sueeessouris out tane allanerly, for all the dais of our said man and cosing life. In witnes herof to thir our presemt letters of manteinans, subscriuit wyth our hand, our seill is affixt and to sett, at Glasgw, the first dai of the moneth of Mai, the zeir of God ane thousand five hundreth tuenty and four zeris, befoir thir witnes, George Colquhoune of Glen, Duncane Lenax, and Robert Maxvel.

JHON ERL OF LEUENAX.

DISCHARGE by ROBERT LORD MAXWELL to GEORGE MAXWELL of Kowglen, 4th July 1524.

107. I, Robert Lord Maxwell, grantis me for till haue had and resauet be the handis and deliueranee of ane honorable man, and my welebelouet cousing, George Maxwell of Kowglen, the sowme of thre seoyr of ten merkis, vsuall moncy of Scotland, in part of payment of his half of the ward of the landis of Nether Pollok: Of the quhilk sowme of thre scoir and ten merk, in part of payment of his part of the ward foresaid, I hald me wele contentyt and payet, and quit

clames and discharges the said George, his ayris, executouris, and assignais, for me, myn ayris, executouris, and assignais thairof, for nov and euermar, boit fraud or gyle. In witnes of the quhilk think thing I haue subscriuit this present acquittance wyth my hand, at Lochmabane, the ferd daye of Julij, in the zeir of God ane thousand five hundreth and tuenty four zeiris.

Robert Lord Maxwell.

Discharge by Robert Lord Maxwell to George Maxwell of Kowglen, for the half of the ward of Nether Pollok, 21st November 1524.

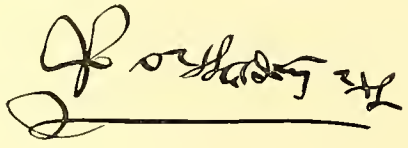
108. I, Robert Lord Maxwell, grantis me for to haue had and resauet, be the handis and deliucrance of my louet cousing, George Maxwell of Kowglen, the sovme of acht score of merkis and ten merkis, vsuall money of Scotland, in complet payment for the tane half of the ward of the landis of Nether Pollok: Of the quhilk sovme of viij score of merkis and ten merkis, vsuall money forsaid, in complet payment for the half [of] the ward of the said landis of Nether Pollok, I hald me wele contentit and payct, and quytclames the said George, his airis, executoures, and assignais, for me, myn airis, executouris, and assignais tharof, for nov and euirmair, but fraud or gyle. In witnes of the quhilk thing I haue subscriuet this present acquittance with my hand, at Edinburgh, the xxj daye of Nouember in the zeir of God ane M. V^{c} and tuenty four zeiris.

Robert Lord Maxwell.

Procuratory of Resignation by Robert [Maxwell], Bishop of Orkney, of the lands of Ester Schelis of Goven and Goven Haggis, in favour of George Maxwell of Kowglen, his brother, 17th September 1527.

109. Be it kennit to all men be this present writ, ws, Robert be the mercy of God Bischop of Orknay, to haue maid, constitut, and ordinit, and be this writ makis, constitutis, and ordinis honorable men onderwrittin, that is to say, Thomas Maxwell, Mungw Hawstoun, Johne Hall, Thom Luf, and Allan Hall, coniunctlie and seueralie, our lawfull, ondowtit, and irreuocable procuratouris, actouris, factouris, and of our crandis onderwrittin speciall messyngerris; grantand and giffand to our saidis procuratouris, and ilk ane of thaim coniunctlie and seue-

ralie, our plane and full power, expres biddyng, and speciall mandment, for ws and in our naym to compeir befoir ane reuerend fader in God, Gawyne be the mercy of God Archiebischop of Glasgw, or his chalmerland, and thair, for ws and in our nayme, to renunce and ourgif, in the handis of the said reuerend fader or his chalmerlane, all ryeht, entres, and titill of ryeht that we haue, had, or may haue in and to the malyngis of Ester Schelis of Goven and Goven Haggis, with ther pertinentis, lyand within the barrony of Glasgw, in the quhilk landis we ar rentalit, to jois and bruke efter the deces of Elizabith Stewart, Lady Nather Pollok, our moder, and to consent to inputtyng of ane honorable man and our derrest bruther, George Maxwell of Kowglen, in the rentall of the said malyngis and landis, in sa far as the said Elizabith, our moder, wilbe content and will consent thairto, and nocht ellis; and at the said Elizabit, or hyr procuratour haffand speciall command thairto, compeir befoir the said reuerend fader or his chalmerlane, in the tyme of renunciatioun and our giffyng of the saidis malingis; we haldand and for to hald firme and stable, all and quhatsumeuery wthir thingis our saidis procuratouris, or ony ane of thaim coniunctlie and seueralye, dois in thir premisses, onder the panc and obligatioun of all our geir, mowable and vnmowable, present and to cum. In vitnes heirof, to this our power and procuratory we have affixit our signet, with our subscriptioun manuall, at our Cathedrall Kirk of Orknay, the xvij day of September, the zeir of God anc thowsand fiwe hundreth and tuenty sewyn zeris, befor thir vitnes, Maisteris Alexander Craik, Andro Hall, notoris publiet, Robert Lang and Thomas Leithe, with wtheris diuers vitnes: and our said moder to brok for her tym.



Obligation by William Maxwell, son to the late John of Maxwell of Pollok, to his brother, George Maxwell of Cowglen, 23d October 1527.

110. Be it kend till all men be thir present letteris, me, Williame Maxwell, sone to vmquhill Johne of Maxwell of Nathyr Pollok, to be bundyn and oblist, and be

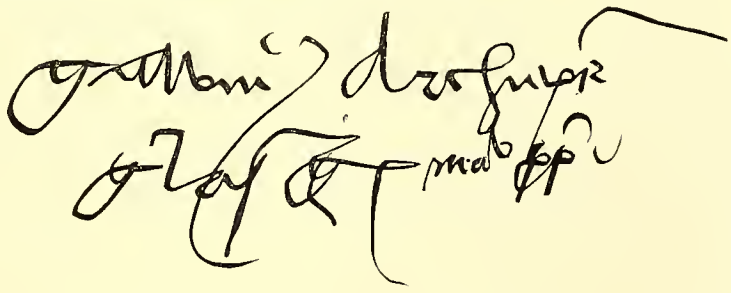
thir presentis byndis and obliss me, my airis, executouris and assignais, till ane nobill man, my derrest brother germane, Georgis Maxwell of Cowglen, forsamekle as the said Georgis hes infeft me in lifrent in the four merkland of auld extent of Pottertovn, in the twenty schilling and saxtene penny wortht of the landis callit Dikonis Bank, and in the fourty schilling land callit the Hilfeild, wytht thar pertinentis, liand wythtin the lordschip of Dernle and Schirefdome of Ranfrew, lik as the chartour and saisyng maid to me thar vpon mair fullely proportis, and hes put me in the peciable brukyng and joysyng of the five pwnd land of Carnewederik, and in the landis of Pollokhaweht, to be joysit and brukit be me and my factouris, lik as the contract maid betuix the said Georgis and me thar vpon proportis and beris, nocht the les I will and grantis, and tharto byndis and obliss me, my airis, executouris, and assignais, that I nor thai sall nocht rais, wptak nor ressaue ony malys, profettis, fermys, or dewiteis of the saidis landis of Pottertovn, Hilfeild, nor Dikonis Bank, sa lang as I, my tennandis or factouris, beis not molestit nor trublit in the peciable brukyng and joysyng of the landis of Carnewederik and Pollokhaweht; and in that cais that we be trublit or molestit in the bruking of the saidis landis alanerly, and quhat tyme and how sone it sall happyn the ayr or airis of Nathyr Pollok quhatsumeuery, to cum to lauchtful age and enter to thar landis of Nathyr Pollok, and thar efter to infeft me in lifrent in the said landis of Carnewederik, fre of all malys, fermys, proffettis and dewiteis, induryng my liftyme, and deliuer ane sufficient letter of tak for the space of five zeris efter my deces, to my airis maill alanerly, of the landis of Carnewederik forsaid, for fourty merkis of maill zeirly, at Witsonday and Mertynmes in wynter, be equale porcionis; and als to infeft me in lifrent in the landis of Pollokhaweht be chartour and saisyng be the said ayr or airis to be maid to me for four pwndis vsuale mone of Scotland, to be payit at Witsonday and Mertynmes be equale porcionis; than, in that cais, I sall renunce and ourgif, and be thir presentis, now as than and than as now, renuncis, ourgevis, quitclemys, and dischargis all ryeht, clame, titill of ryeht, propirte and possessioun, that I had or mycht haif in and to the saidis landis of Pottertovn, Hilfeild, and Dikonisbank, be resone of my lifrent forsaid, and I to be seeludit tharfra for euir; to be brukit and joysit be the said Georgis, his airis and assaignais, als frely as thai war befor the said infeftment of lifrent maid to me thar vpon; quhilk lifrent, wytht all charteris,

euidentis, and doeumentis maid to me tharvpon, in the eais forsaid, I renunee and ourgevis: Mair atour gif it sall happyn Elizabet Steward, moder to the said Georgis and me, to leif efter the deees of the said Georgis, sua that he deees befor hyr, and tharthrow his airis nor assignais enteris noeht to the rental, possessioun, and brukyng of the malynnis of Govane Haggis and Govane Schelis, than, and in that eais, I sall renunee, and be thir presentis renuneis, quitclemys, and dischargis, and ourgevis all ryeht, elame, titill of ryeht, propirte and possessioun, that I haif or may haif in and to the saidis landis of Carnewederik, Pollokhaweht, Pottertovn, Hilfeild, and Dikonisbank, togidder wyth all charteris, doeumentis, instrumentis, obligationis, and aekis maid to me be the said Georgis apon the saidis landis or ony part of thaim, to be brukit and joysit be the airis and assignais of the said Georgis quhatsumeuery, als frely as thai war befor the makyne of the saidis infeftmentis, doeumentis, and obligationis, vnder the payne of five hundreth merkis to be payit to the airis, exeeutouris, and assignais of the said Georgis, in the eais that I failze in the ourgevin of the landis forsaid as propir det, na remeid of law, eiuil nor eannon, to be proponit in the eontrar; and that beeaus the saidis landis of Carnewederik, Pollokhaweht, Pottertovn, Hilfeild, and Dikonisbank war gevin to me be the said Georgis for plesour, steid, thankis, and gud deid maid and for to be maid, be the said Williame to the said George: And to the obseruyng and kepyng of all and syndry thir premissis, I bynd and oblissis me, my airis, exeeutouris and assignais, lelely and trewlie, but fraud or gile in the stratest forme and stile of obligatioun, and thar to hes gevin my bodely aitht the haly ewangil tuieht. In witnes of the quhilk thing to this my present letter of obligatioun I haif hungyn my propir seil, togidder wyth my subseriptioun manual, at Glasgw, ye xxiij day of the moneth of October, the zeir of God ane thousand five hundretht and twenty sevin zeris, before thir witnes, Sehiris Johne Morisoun, Johne Bridyne, notaris, Johne Hechet, Mungw Hawstoun, burgess of Glesgw, and Dauid Morisoun.

Wilzem Maxwell, with my hand on the pen.

BOND OF MAINTENANCE by GAWYNE [DUNBAR], Archbishop of Glasgow, in favour of GEORGE MAXWELL of Kowglen, 8th December 1527.

111. Be it kend till all men be thir present letteris, ws, Gawyne be the merey of God Archibisehope of Glasgw, forsamekill as ane nobill man, George Maxwell of Kowglen, hes gevin till ws his manrent aganis all personis, except his allegians till our souerane lord the King and seruice till the Lord Maxwell, as is at mayr lenth eontenit in the said lettir of manrent; tharfor to be bundyn and oblist, and be thir presentis byndis and oblissis ws, that we sall at our power manteyne, suple, and defend the said Georgis and his seruandis in all and syndry his lefull and just querelis and aetionis, and sall tak afald part, suple manteinans and defence of the said George in quhatsumeuery lefull and just aetionis movit or to be movit agayne the said George be quhatsumeuery persoun, or to be movit be him agayne quhatsumeuery persoun, saifand our allegians till our souerane lord the Kyng alanerly, to do to the said Georgis in all thingis as fallis or pertenys to ane lord or maister to do his seruand or man: and to the obseruyng and kepyng of all and syndry thir premisses, we obliss ws lelely and trewly, but fraud or gile. In witnes of the quhilk thing, till this owr present lettir of manteinans we haif affixt our rownd seill, at our eite of Glasgw, the aucht day of December, the zeir of God ane thousand five hundretht and twenty sevin zeris, and of our consecratioun the thryd zeir.



EXTRACT from the RECORDS of the BARONY COURT of GLASGOW, relative to the entry of GEORGE MAXWELL of Kowglen to the four merk land of the Eystehelys of Gowane, 10th December 1527.

112. The eourt off the baronrye off Glasgw, halding in the wiecar's plaee off the

qweir, in prcsens off ane maist reuerend fadyr in God, Gawane, Archibischop off Glasgw, be ane honerabill man, Archibauld Dunbar off the Blakcraeg, balzae off the said baronrye, on Tysday the tent day off the monetht of December, in the zeir of God anc thowsand ffiff hundreitht and xxvii zeiris ; the sowttis callit, the dempstar sworn, thc court fensyt and confeirmyt :

The namis of the Inqueyst.

Robert Steward off Myntto.
Georgis Maxwell off the Kowglen.
Georgis Colquhone off thc Glen.
Thomas Foret.
Adem Steward.
Wat Steward.
Alexander Hommyll.
Hendrie Dwn.
Jame Anderson.
Jhone McKnaer.
Dauid Muirheyd.
Jhone Hogge.
Wylzem Lowtheane.
Robert Newlandis.
Jhone Scot in Kenmure.
Thomas Wedderop, eldar.
Jhone Gelys.
Jame Anderson, zonger.
Jame Wedderop.

The quhilk day Georgis Maxwell off thc Kowglen, and Jhone Maxwell his son and apperand aer, was callit and rasawit, in the plane court, in to my Lordis rentall, and the langest lcwar off thame twa, in to the four mark land of thc Eystchelys off Gowanc and Gowane Haggis, quhilk ane maist reuerend fadyr in God, Robert byschop off Orkynna, wes in rentall off befor, and hes gewin our his kyndnes off the saydis landis to the saydis Georgis, his brodyr, be his procuratoryc red and admittit in plane cowrt, thairapone beris wytnes anc honorable woman, Elczabctht Stcward, ladye off Neddyr Pollok, and modyr to thc sayd Georgis, brukand the proffcttis off the saydis landis for hyr lyfftyme alancrlye ; and alswa thc forsaid Georgis, Jhonc his son, and thc langest lewar off them twa, was callit and rasawit in my lordis rentall in the fourttyc schilling land off the Tytwoud, quhilk Jhonc Fowlar had off befor ; off the quhilkis the saydis Georgis and Jhone askyt rolmcnttis and thc court to wytnes.

Extractum de libro actorum baronic Glasgwensis per me Michaelem Flemyng, clericum dicte curie, ac notarium publicum, manu propria.

M. F.

Assignation by Robert Steward of Mynto to George Maxwall of Kowglen, 14th August 1528.

113. Be it kend tyl all men be thir prcsent letters, me, Robert Steward of Mynto, lard of Hammyltonis ferm, to haif maid, constitut, and ordanit, and be thir presentis makis, constitutis, and ordanis ane honorabill man, my weilbelouit frend, Georgis Maxwall of Kowglen, my veray lauchtfull, indowtit, and irreuocable heretable cessonar and assignay to relax and redeym fra Alexander Lyndsay of Corsbaskat all and haill the thridpert of my fyfe pwnd land of Hammyltonis ferm of auld extent, with the pertinens, lyand within the barone of Hammyltonc and the schirefdome of Lanark, analeit to the said Alexander apone the sowme of ane hundretht pwndis, efter the form of the reucrsion maid to me be the said Alexander; geifand, granttand, and transferrand in and to the said Georgis, my heretable cessonar and assigna, all rycht, clame, tytill of rycht, that I, my airis or assignais, hes or mycht haife, in and to the relaxin and redemyng of the sammyn, wytht full powar the said Alexander, hcs airis or assignais to warne, to the said lowsyng and redemyng of the saidis landis, efter the forme of the reuersion; instrumentis, documentis ther apone, to ask, requir, and rais, the said sowme of ane hundretht pwndis to the said Allexander, his aeris or assignais, to deliuer, quhilk beand deliuerit or nowmerit, efter thc forme of the said reuersion, instrumentis and documentis therapon to tak, require and rais, the chartouris, euidentis and documentis of the saidis landis fra the said Allexander to rasaife; quhylk landis beand lowsyt and redemyt, the malis, profettis and dewiteis therof tyll his awin wis to rasaife, inbring and wptak; the tennandis, inhabitures of thc sammyn, befor qūhatsumeuere juge or jugis, geif neid beis, to call, conueyn, and for the sammyn to distrenze and pwynd, be the tennour of ane chartour and documentis to be maid to him therapon, quhilk I promitt and obles be thir presentis, to mak and seill in dew form; and generalie all wdir thingis to do, hant and excers, that to ane heretable assigna or cessonar is haldin to pertein, or that I my selfe mycht do and I war present in propir person; haldand and for to hald ferm and stable all and sindry quhatsumeuir the said my cessonar and assigna in thir premissis haldis to be done wnder the ypotheik and obligation of all and syndry my gudis, mouabill and wnmouable, present and for to cum. In witnes of the quhilk thing, to thir my

present letters of assignation, subscribit wytht my hand, I haif hwngin my propir seyll, at Glasgw, the fourten daye of the monetht of August, the zeir of God ane thowsand fyfe hundretht and tuenty aueht zeris, be for thir witnes, maister Jhone Reid, viear of the Mernys, maister Dauid Dwn, Miehaell Flemyng, and Henry Hall, wytht wderis diueris.

Robert Stewart of Mynto, v^{t} my hand.

Contract betwixt Matthew Earl of Lennox and Sir James Hammiltoun of Fynwart, Knight, and their friends, 14th February 1530-1.

114. At Stirlyng, the xiiij daye of Fabruarij, the zere of God 1^{m} v^{c} tuenty tene zereis: It is appuntit, aegreit, and fenaly eoneordit betowx a nobill and myehty lord, Mathow Erll of Lennox, with eonsent and assent of ane reuerend and wenarabille fauderis in God, Robert Byssop of Orknaye, James Abbot of Drybrueht, honorabill men, Jhone Colquhone of Lus, knyeht, Allane Stuart of Craghall, for his kyn and frendis, serwandis, and part takkaris, on that ane part; Sehir James Hammiltoune of Fynwart, knyeht, sowne to ane nobille and myehty lord, James Erle of Arrane, in the nayme and behaf of the sayd Erle of Arane, and for hym self, thair kynne, frendis, and serwandis and part takaris, on the tother part, in mannyr, forme, foree, and effeek as efter follows: That is to say, remoyff and tak away all displessouris, onkyndnes, suspeeione, and hatran eonseut be the sayd Mathow Erle of Lennox, his kynn, frendis, serwandis, and part takaris, aganis the sayd James Erle of Arane, ayr and sueeessor to vmquhill James Erle of Arrane, his fauder, and aganis the sayd Sehir James, thair kynne, frendis, serwandis, and part takaris of the slauehtyr of wmquhill Jhone Erle of Lennox, eommetyt besyd Lythquhow; quhilk slaucthir the said Sehir James denyit to haf beyne eommhittit be his kynne, frendis, and part takaris now on lyf, or he or thai war art and part therof, and offerris him redy to onderly the law therof withowt ony respet or remyssion: Neuer the les, to remow and put away all the for sayd onkyndnes, raneoris, displessor, suspeeion, and hatran eonset for the sayd slauethyr, and for speeiell a now eoneord and frendsehip to be obseruit and kypit betoux the saydis erles, Sehir James, thair kynne, frendis, serwandis, and part takarris, and euery behalf, in all tymes eummyng, eonform to thair propinquite and tendernes of blud, the sayd Sehir James, in nayme and behalf

of the sayd Erle, his breder, and of hym self, thair kynne, frendis, and part takarris, byndis and oblices tham to do and fulfyill, to the honor and plesor of the sayd Erle of Lennox, as efter fowllows: In the ferst, the sayd Schir James sall fe sax chaplannis on the expensis of the sayd erle his bruder, his awyne, to syng and do sufforhe for the sawill of the sayd wumquhill Jhone Erle of Lennox, for the spas of vii zerris nixt to cum efter the dait her of; thre of tham to syng coniuncle in the collodg kyrk of Hammilton, and wder thre of tham to syng in the blak freris of Glasgow, quher the sayd wumquhill Jhone lyis, and sall pay to elkane of the sayd chaplannis zerly the sowme of x libris. The sayd Schir James sall pas hym self, or caus to pas, at our soucrand lordis plesour, thre hed pilgrimage of Scotland, and thar sall caus prayarris, and suffurahs to be downe for the sawill forsayd: Item, the said Schir James sall gyft to the sayd Erle his band of manhud in the best forme, for all the dayis of his lyf, his hail grant to the kyngis grace, my Lord of Arrane his schef ailanerle eccepit. Item, for owor of the ward, at the kyngis grace plessour and the sayd Erle of Lennox, the sayd Schir James sall cum sarkallane to the mercat croce of Edinburht, Styrlyng, Glasgow, as plesses the kyngis grace best, and than sall offer ane nakyit schowrd be pute to the sayd Erle of Lennox. Item, the sayd Schir James leueis and dischargis all bandis of ony dowlland within the barranry of Ranthrow and Lennox, that war men be for to the sayd Erle of Lennox and his fauder, sua it salbe lefull to thame to bynnd thame in manrend to quham thay plesor. Item, the sayd Schir James sall solest at his vtermast power to cauis the Lord Awandaill to consent that the sayd Erle of Lennox be enterit incontynent to the scherreffschip of Dunbartane and balzaroy of the Lennox; and als sall solest the Abbot of Paslaye to grant the sayd Erle of Lennox to haif syc preuelegis, kyndnes, and profettis of the said abbaye as his sayd wumqille fauder haid, and predc[ce]ssoris hafand a befoir. Item, the said Schir James sall renunce and ourgyf owre in the handis of our sayd souerane lordis the tak and all wder rycht that he has in and to the kyppyng of the castell of Dunbartane, to be disponit be his grace frelye as he thynkis expedicnd, saffand the takkis mayd be the said Schir James to Wylzam Sterlyng, now constabill of the sayd castell, for all zerris and termes that he has to ryn, with all profettis and debittis pertenent therto. Item, the sayd Schir James sall renunce and our gyf in owre souerand lordis handis the gyft of the

nonentres, and all rycht that he has ther to, of the mailles, fermes, and debettis of all and haill the landis of Crukys-fie and Enehinneyn, baitht properte and tennandry, and thar pertenens, sen the deces of wumquhill Mathow Erle of Lennox, and to be disponit agayne be his henes to the sayd Erle of Lennox, his arris and assyngnayis, exceppand the profettis of the tennandris pertenand to the Lord Erskyne and the Lard of Mento, and thar tennendres, als mekyll as the layf, to be haldyn of the sayde Erle of Lennox. Neuerthelcs, the sayd Erle sall ralef the sayd Schir James of the sowme of xvj merkis within ressauit be hym fraye the tennandis of the sayd landis for thair tennandres, and sa bynd hym herto or fend sufficiandt souerte as the sayd Sehir James desyris; and be caus the sayd Erle of Lennox and his frendis forsaydis dowttis the sayd renunciatione of the gyft of the nonentres forsaydis, and the gyft to be gyfin to hym agayn therof of the said landis and tennandres, with thair pertenens, wyll nocht be sufficient and profitabill to the sayd Erle without the deeret gewyn be lordis of eonsall at owr souerand lordis instens, and the sayd Schir James hawand the gyft forsayd be retrettit, ther for the sayd Schir James byndis and obliees hym that he sall nocht na inpediment, nor stop to the sayd Erle and his arris to gayt the sayd deeret refundit, bot rathyr sall contract and help to gayt the sayd decret refundit, and sall do at his vtermost power all wtyr thyngis that is to hym possabill to eaus the sayd Erle haf his profet of the sayd landis, be ressown of gyft of nonentres, or other wayis, as the said Erle and his frendis can best dewys, that he may do, saffand his honestc, and for all wder frendis to be downe be the sayd Schir James, as sayd is; the said Erle of Lennox, with awyis and eonsente of his frendis, for hym self and his airis, kyne, and frendis, and serwandis and part takarris, dischargand the sayd Erle of Arran, the sayd Syr James, and thar arris, serwandis, kyne, frendis, and part takarris, and als How Erle of Eglintoune, Maleome Lord Flemeng, How Lord Summell, Howe Cambell of Loutoune, Andro Ker of Fernyhirst, Mark Ker of Dowphistoun, thair kyn, frendis, serwandis, and part takaeris; James Dowglas of Dummerryk, and all wder in eompany with the sayd wumqill James Erle of Arran, of his cousyng, and the tyme of his slauttyr of the sayd Erle of Lennox, for all akcionis ciuile, ereminabill, displesor, raneour, and wnkyndnes, suspccion, atran, consient conseut aganis tham, or ony of tham, for the samen; and in speeiell, the sayd Schir James dischargis hym and his arris

of all actione, bayt ciuelle and crym[in]ale, quhilkis the sayd Erle has or may haf ony manyr of wye, for ony caus bygayne, to the daye of the dait of thir presentis, and sall mocht a letter of dischargis to the sayd Schir James of all thir promesses, in the best forme that he can dewys, ownder the sayd Erlles awyne propir sell, and sclles of his frendis, togydder with the appensioun of our sayd souerand lord[is] gret sell, to be protestit be the sayd Erle and his frendis for the attoriseng heyr of. In witnes herof, all the sayd partyis has subscryfbit thir presentis with thar handis, daye, zer, and place forsayd, befor thir witnes, an wanarabill fader in God, Robert Abbot of Glenlus, Master James Fowlles, Master Francis Boidwyll, Master James Nelsown, Master Georgis Kirk, notar publest, with vdderis dyuers.

INSTRUMENT OF DISCHARGE by PETER HOUSTOUN in favour of ROBERT Bischop of Orkney, of a pension of the Provostry of Dunbertane, 7th June 1531.

115. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnationis dominice millesimo quingentesimo trigesimo primo, mensis vero Junij die septimo, indictione quarta, pontificatus sanctissimi in Christo patris et domini nostri, Domini Clementis diuina prouidentia pape septimi anno octauo: In mei notarii publici et testium subscriptorum presentia personaliter constituti reuerendus in Christo pater et dominus, Robertus permissione diuina episcopus Orcadensis, ex vna, et magister Petrus Houstoun rector de Sanda, ex altera partibus; quiquidam magister Petrus, ex sua certa scientia, pura, libera, et spontanea voluntate exonerauit, et presentis instrumenti tenore exonerat dictum reuerendum patrem de sua annua pensione quam habet de prepositura ecclesie collegiate de Dunbertane de omnibus terminis preteritis et futuris, secundum vim, formam, effectum et tenorem litere exonerationis infrascripte, cuius tenor sequitur in vulgari, sub hac verborum serie: I, Master Petir Houstoun, dischargis ane reuerend fader in God, Robert bischop of Orknay, of my pensioun of the provestry of Dunbertane, of all and sindry termes bigane and tocum, indurand the saidis reuerend faderis lifetyme; bot gif it happin me to tyne my personage of Sanda, in the diocy of Orknay, be my inhabilite, in the quhilk cais gif it happinnis the said personage to tyne be ony vthir wayis na my inhabilite, videlicet, and it happin to be optenit

be way of iustiee fra me, in that eais this discharge to be of nane avale, force, nor effeet, bot to be expirit in ye self be this writ, subseriuit with my hand at Edinburgh, the sevint day of Junii, in the zere of God 1^{m} v^{c} and thretty ane zeris. Sequitur subscriptio dieti magistri Petri, M. Petir Houstoun with my hand. Super quibus omnibus et singulis premissis ambe partes prediete, a me notario publieo subscripto sibi fieri pecierunt hoe presens publieum instrumentum seu publiea instrumenta: Aeta erant hee infra burgum de Edinburgh, hora septima ante merediem vel eoeirea, sub anno, die, mense, indietione et pontifieatu quibus supra; presentibus ibidem discretis et honestis viris, magistro Andrea Hall, magistro Thoma Maxwell, Willelmo Maxwell, Joh[a]nne Lowry, et Henrieo Guthry, testibus ad premissa vocatis pariter atque rogatis.

Et ego Willelmus Meldrum areium magister, clericus Abirdonensis diocesis, saera apostolica auctoritate notarius publicus, quia etc.

Agreement between Robert, Bishop of Orkney, and Master John Thornton, relative to obtaining a dispensation for the marriage of John and Elizabeth Maxwell, 27th February 1534.

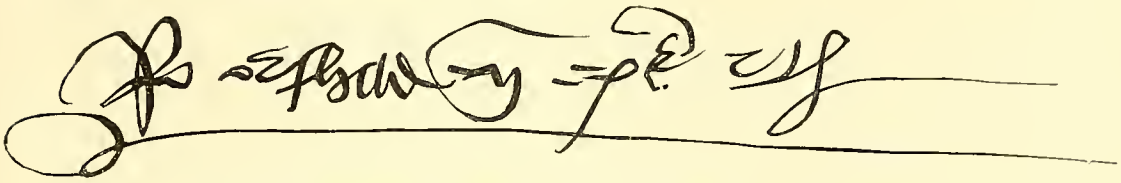
116. Pro Joanne Maxwell, laieo, et Elizabeth alias Besseta eeiam Maxwell, muliere Glasguensis dioeesis, expediatur dispensatio quod possint inter se matrimonium eontrahere, et in contraeto lieite remanere, non obstante impedimento seeundi et tereii gradus consanguinitatis quo inuieem sunt eoniuneti, fiat dispensatio super tertio eum deelaratoria super secundo: Committatur Archiepiseopo Glasguensi, loei ordinario, seu eius vieario generali aut officiali Glasguensi.

Ro. Orchaden, Eps.

Jo. Thornton, manu propria scripsit.

I, Mastir Jhone Thorntone, grantis me to haf resauit be the handis of ane reuerend fadir in God, Robert Bischop of Orknay, the sowm of twenty crownis of the sone and weeht, in part of payment of the expeditione of ane dispensatione to be sped and rasit in the eourt of Rome be me and my faetores, betwix Jhone Maxwell and Elizabeth Maxwell, on the impediment off seeund and thrid degre of consanguinite of mariage to be contraetit betwix the saidis Jhone and Elizabeth, and the saide reuerend fadir sall content and pay to me, the saide

Mastir Jhone, the sowm of othir siklyk twenty crownis of sone and wecht, in complcit payment of the foirsaid dispensatione, at the hayme cuming of the same; and als the saide reuerend fadir sall discharge and remit to me the said Mastir Jhone, eftir the expeditione of the said dispensatione, the sowm of fyfty ducatis of gold of the chalmer; the quhilkis I the said Mastir Jhone is oblist to pay to the said reuerend fadir in Rome, how sone the saide reuerend fadir delyueris to me fyfty crownis of the sone in Scotland. In witnes of the quhilk we haf subscrivit this present write wyth our hanndis, at Edinburgh, the xxvij day of Febmar 1534, befoir thir witnes, Mastirris Waltir Maxwell, chancellar of Murray, Alexander Scot, persone of Westray, and Mastir Thomas Maktauis, notar publiet, with vtheris diuers.



Ita est JOHANNES THORNTON, manu propria scripsit.

DISPENSATION for the MARRIAGE of JOHN MAXWEL, son and heir of the late George Maxwel of Cowglen, to ELIZABETH MAXWEL, daughter and heiress of the late John Maxwel of Nethirpollok, 31st August 1535.

117. Vniuersis et singulis sancte matris ecclesie filiis ad quorum notieias presentes litere peruenerint, et quos infrascriptum tangit negotium seu tangere poterit quomodolibet in futurum, Adam Colquhoun, insignis metropolis ecclesie Glasguensis Canonieus et eiusdem Officialis Generalis, ae commissarius et executor ad infrascripta a sede apostolica specialiter constitutus, salutem in Domino. Literas reuerendissimi in Christo patris et domini, Antonii miseratione diuina titulo Sanetorum Quatuor Coronatorum Presbiteri Cardinalis, sanctissimi domini nostri pape Penitenciarii, eius vero sigillis oblongis cera rubea albe impressa in capsulis ferreis cum cordulis subrubei coloris more saere peniteneiarie apostolice impendentibus, sigillatas, sanas siquidem et integras, non rasas, non vieiatas, non caneellatas aut in earum aliqua parte suspectas, sed omni prorsus vieio et suspieione carentes, vt in earum prima facie apparebat nobis, pro parte

Johannis Maxwel laici, filii et heredis quondam Georgii Maxwell de Cowglen, et Elisabeithe alias Bessete Maxwel mulieris, filie et heredis quondam Johannis Maxwel de Nethirpollok, Glasguensis diocesis, in ipsis literis apostolieis prineipaliter nominatorum, et pro carum executione prcsentatas et exhibitas, nos cum ea qua deeuit reuerentia, coram notariis et testibus infrascriptis noueritis recepisse huiusmodi sub tenore.

Venerabili in Christo patri Dei graeia Arehiepiseopo Glasguensi, vel eius vicario in spiritualibus seu officiali gencrali, Antonius miseratione diuina titulo Sanctorum Quatuor Coronatorum Presbiter Cardinalis, salutem et sinceram in Domino charitatem. Sedis apostoliee prouideneia eircumspecta nonnuncquam rigorem iuris mansuetudine temperat, et quod sacrorum canonum prohibent instituta de gracia benignitatis indulget, prout personarum et temporum qualitate pensata, id in Dco salubriter expedire cognoscit. Sane cx parte Johannis Maxwel laici, et Elisabeithe alias Bessete etiam Maxwel, mulieris vestre diocesis, nobis oblata peticio continebat quod ipsi ex certis racionabilibus eausis desiderant inuicem matrimonialiter eopulari, scd quia tertio eonsanguinitatis gradu inuicem sunt eoniuncti, desiderium eorum in hac parte adimplere non possunt, dispensatione apostolica super hoe non obtenta ; quare supplicari feecrunt humiliter dieti exponentes eis super his per sedem eandem miserieorditer prouideri. Nos igitur eorum in hac parte supplicationibus inclinati, autoritate domini pape cuius penitenciarie curam gerimus, et eius speeiali et expresso mandato super hoe viue vocis oraculo nobis facto, eircumspeetioni vestre committimus quatenus, si est ita cum ipsis exponentibus, quod, impedimento consanguinitatis huiusmodi non obstante, libere valeant inter se matrimonium eontrahere, et in eo postmodum licite remanere, miserieorditer dispensetis, dummodo dicta mulier propter hoc ab aliquo rapta non fuerit, prolem suseipiendam exinde legitimam decernentes. Datum Rome apud Sanctum Petrum, sub sigillo officii penitenciarie, xviii kalendas Maii, pontificatus domini Pauli pape tercii anno primo : Et sic finit huiusmodi dispensationis bulla : Sequitur bulla declaratoria.

Venerabili in Christo patri Dei gracia Archiepiseopo Glasguensi, vel eius Vicario in spiritualibus seu Officiali generali, Antonius miseratione diuina titulo Sanetorum Quatuor Coronatorum Presbiter Cardinalis, salutem et sinceram in Domino eharitatem. Ex parte Johannis Maxwel laici, et Elisabeithe alias Bessete etiam Maxwel, mulieris vestre diocesis, nobis oblata peticio eontinebat

quod ipsi nuper quasdam commissionis literas in certa et solita forma vobis directas a sede apostolica obtinuerunt, continentes vt, non obstante quod tertio consanguinitatis gradu inuicem sunt coniuncti, libere valeant inter se matrimonium contrahere, et in eo postmodum licite remanere, dispensaretis misericorditer cum eisdem; tamen ipsi timentes literas huiusmodi ex eo fore surrepticias et inualidas, quod vnus ipsorum exponentium secundo alter vero tertio gradibus a stipite communi distabant, et quod alter eorum distaret secundo in ipsis literis mentio aliqua facta non fuit, supplicari fecerunt humiliter eis in hac parte per eandem sedem misericorditer prouideri: Nos igitur attendentes quod felicis recordationis dominus Gregorius papa vndecimus quaslibet dispensationis literas in casu simili ab eadem sede obtentas et obtinendas, omissione mentionis de distantia secundi gradus predicti non facte in dispensationibus ipsis nequaquam obstante, validas et sufficientes existere, ac robur plenarie firmitatis habere auctoritate apostolica declarauit, auctoritate domini pape cuius penitentiarie curam gerimus circumspectioni vestre committimus, quatenus iuxta huiusmodi apostolicam declarationem predictas commissionis literas sufficientes decernatis, et validas perinde existere ac si in eisdem de distantia secundi gradus predicti mentio facta foret. Datum Rome apud Sanctum Petrum, sub sigillo officii penitentiarie, xviii kalendas Maii, pontificatus domini Pauli pape tercii anno primo: Et sic finit huiusmodi bulla declaratoria.

Post quarumquidem litterarum dicti reuerendissimi patris ymmouerius apostolicarum presentationem et receptionem nobis et per nos, sic vt premittitur factas, fuimus per dictos Johannem et Elisabeitham alias Bessetam in ipsis literis apostolicis principaliter nominatos, et coram nobis personaliter constitutos, debita cum instancia requisiti quatenus ad executionem dictarum literarum et contentorum in eisdem, iuxta traditam seu directam a sede apostolica nobis formam, procedere dignaremur: Nos igitur attendentes requisitionem huiusmodi fore iustam et rationi consonam, volentesque mandatum apostolicum nobis desuper directum reuerenter exequi, vt tenemur, de et super vniuersis et singulis in dictis literis apostolicis contentis, receptis primitus nonnullis fidedignis testibus ad sacrosancta Dei juratis, habitaque diligenti inquisitione super noticia impedimentorum prescriptorum; et quia per testium huiusmodi depositiones, et inquisitionem desuper factam, comperimus suprascriptos Johannem et Elisabeitham alias Bessetam tertio consanguinitatis gradu a communi stipite respectiue distare et inuicem attinere, ipsamque Elisabeitham alias Bessetam

minime raptam extitisse, ac ipsos ad huiusmodi dispensationis gratiam obtinendam habiles fore concepimus: Idcirco, autoritate apostolica nobis commissa, et qua fungimur in hac parte, cum dictis Johanne Maxwel et Elisabeitha alias Besseta Maxwel, vt matrimonium inter se libere contrahere et in eodem postquam contractum fuerit remanere licite valeant, misericorditer duximus dispensandum, prout tenore presentium dispensamus, prolemque exinde suscipiendam legitimam fore decernimus, non obstante impedimento tercii gradus consanguinitatis predicto; necnon huiusmodi commissionis litteras pro parte dictorum Johannis et Elisabeithe alias Bessete pro matrimonio inter eosdem vt premittitur contrahendo impetratas, non esse nec fore inualidas et surrepticias, sed sufficientes et validas existere, ac robur plenarie firmitatis in se habere et continere, iuxta et secundum constitutionem felicis recordationis Gregorii pape vndecimi, non obstante quod in huiusmodi commissionis litteris secundi consanguinitatis gradus, quo vt premittitur, dicti Johannes et Elisabeitha alias Besseta inuicem attinent et a stipite communi distant mentio facta non fuerit, perinde ac si in eisdem litteris de distancia secundi gradus predicti mentio facta fuerit, autoritate apostolica suprascripta decernimus et declaramus, et premissa omnibus et singulis quorum interest innotescimus per presentes: In quorum omnium et singulorum fidem et testimonium premissorum has presentes nostras litteras, siue hoc presens publicum instrumentum processum huiusmodi nostre dispensationis in se continentes, exinde fieri fecimus, et per notarios publicos subscriptos subscribi et publicari mandauimus, sigillique nostri jussimus et fecimus appensione communiri: Datum et actum apud ciuitatem Glasguensem, in ecclesia fratrum minorum, horam circiter octauam ante meridiem, die vltimo mensis Augusti, anno Domini millesimo quingentesimo trigesimo quinto, indictione octaua, pontificatusque sanctissimi in Christo patris et domini nostri, domini Pauli pape prelibati anno primo; presentibus ibidem venerabilibus et discretis viris, magistris et dominis, Valtero Maxwell Morauiensis ecclesie cancellario, Gilberto Benyng, Matheo Stewart, ecclesie metropolitane Glasguensis canonicis, Alexandro Hammyltoun regente Pedagogii Glasguensis, necnon honorabilibus viris, Valtero Maxwel de Akinheid et Wilelmo Maxwell de Carnwedrig, clericis et laicis Glasguensis diocesis, testibus ad premissa vocatis pariter et rogatis.

Et ego Nicolaus Withirspoun artium magister, presbiterque Glasguensis dioccsis, publicus apostolica et regali autoritatibus notarius, etc.

Proclamation of Banns of Marriage between John Maxvell of Covglen and Elisabeth Maxvell, daughter of the late John Maxvell of Pollok, 15th January 1535.

118. Vniuersis pateat per presentes, me dominum Thomam Gibsoun, capellanum et curatum eeelesie parochialis de Dunbertene, tria banna matrimonialia fecisse et proclamasse in predieta ecclesia publice coram parrochianis, ut moris est, inter Johannem Maxvell filium et heredem olim Georgii Maxvell de Covglen, meum paroehianum, ab vna, et Elisabeth Maxvell filiam et heredem quondam Johannis Maxvell de Pollok, parrochianam de Estvod, ab altera, per tres dies solempnes et disiunctos, diebus ferialibus intermediantibus, et nullum impedimentum seu obstaculum reperi quin dicte partes matrimonium ac sponsalia in facie ecclesie in Christo possunt ac valeant solemnizare; et hoc omnibus quibus interest aut interesse poterit notifico per presentes. Datum apud burgum de Dunbertene, per me predietum curatum, die xv° mensis Januarij, anno Domini millesimo quingentesimo trigesimo quinto.

Thomas Gibsoun, capellanus et curatus, manu propria tam subtus quam supra.

Instrument upon the Marriage between John Maxvell of Cowglen and Elizabeth Maxvell, heiress of Netherpollok, 16th January 1535.

119. In Dei Nomine Amen. Per hoc presens publicum instrumentum eunctis pateat evidenter et notum sit quod anno Domini millesimo quingentesimo trieesimo quinto, die uero mensis Januarii decimo sexto, indictione nona, pontifieatus sanctissimi in Christo patris et domini nostri, domini Pauli [pape] tercii anno seeundo: In nostrorum notariorum publicorum et testium infrascriptorum personaliter eonstituti Johannes Maxvell, filius et heres quondam Georgii Maxvell de Cowglen, et Elezabetht alias Besseta Maxvell, filia et heres quondam Johannis Maxvell de Nedderpollok, eomparentes apud ostium australe ecclesie collegiate Beate Marie, prope Dunberten, Domino Thome Gibson, curato ecelesie perochialis de Dunberten, exposuerunt se velle matrimonialiter copulari et matrimonium in facie ecclesie solemnizare, et instanter requisierunt dietum curatum officium

huiusmodi solemnizationis adinplere: Quiquidem curatus eorum petitionem iustam considerans, huiusmodi officium super se acceptauit, et huiusmodi officium, prout juris et moris est, in matrimonio fiendo compleuit: Quiquidem Johannes et Elezabetht, ante dicte matrimonie solemnizationem, produxerunt litteras testimoniales bannorum, quorum tenores sequuntur et sunt tales: et primo sequitur littera bannorum pro parte diete Elezabetht.

Wniuersis et singulis pateat per presentes me, Dominum Walterum Dunslesone curatum de Estvod, fecisse ac proclamasse tria banna de jure requisita, mediantibus feriis, inter Johannem Maxvell filium et heredem quondam Georgii Maxvell de Cowglen, existentem nunc parochianum de Dunberten, et Bessetam Maxvell de Netherpollok parochianam meam de Estvod, videlicet, primum bannum factum et proclamatum in prima dominica Aduentus Domini, seeundum bannum in die Sancti Andree Apostoli, et vltimum bannum in Dominiea seeunda Aduentus Domini, et nullum invenisse impedimentum quin prediete partes possunt ad invicem contrahere matrimonium in facie ecclesie: et hoc omnibus per presentes innotesco. Datum apud Glasgow, decimo tertio Januarii, anno Domini etc., tricesimo quinto, sub nostra subscriptione manuali. Sequitur subseriptio, Walterus Dunslesone manu propria, curatus de Estwod: Sequitur supraseriptio confratri suo curato de Dunberten seu euicunque alteri capellano.

Quequidem littere testimoniales preseripte reeognite fuerunt per wenerabilem virum, Magistrum Jaeobum Houstun, subdeeanum Glasguensem ae viearium de Estuod, et Magistrum Matheum Flemyng eapellanum, et Vilelmum Maxvell, cum diuersis aliis. Sequitur tenor litterarum bannorum pro parte dicti Johannis.—[*Vide* No. 118, *supra.*]

Quasquidem litteras predictas predictus Dominus Thomas Gibsone curatus approbauit et ratificauit. Super quibus [omnibus] et singulis reuerendus in Christo pater et dominus, Robertus Episcopus Orchadensis, ex parte dictorum Johannis et Bessete alias Elizabeth, ac etiam prefati Johannes et Besseta alias Elizabeth petierunt a nobis notariis publicis subscriptis sibi fieri vnum seu plura publicum aut publica instrumentum aut instrumenta: Acta erant hec apud dietam eeclesiam collegiatam Beate Marie, sub anno, die, mense, indietione et pontificatu quibus supra, hora quasi decima ante meridiem aut ea circa; presentibus ibidem honorabilibus viris, Magistro Jacobo Houstoun subdecano Glasguensi, Waltero Maxvell de Akynheid, Waltero Crafurd de Ferm,

Willelmo Maxvell de Kervedrig, Johanne Smollat, Thoma Fallusdaill, Johanne Palmer, burgensibus de Dunberten, Dominis Thoma Palmer, Jacobo Fallusdaill, Johanne Akynheid, Winfrido Lyndesay, capellanis, cum multis aliis ad premissa vocatis pariter et requisitis.

[Andreas Hall, A.M., Alexander Craik, et Petrus Houstoun, dioeesis Glasguensis notarii.]

Discharge by John Gwid and Thomas Bargille, masons, to Robert Bishop of Orkney, for 20 merks, for building the tower of Pollok, 16th July 1536.

120. We, Jhone Gwid and Thomas Bargille, maister masons to my Lord Orknaye of the byggyn of the towr of Pollok, granttis ws resat fra our said Lord tuenty merkis, conforme to the promeis and contract maid be tuex our said Lord and ws, be foir the offieial of Glasgw and Maister James Howstoun, Subdeyn of Glasgw, for completyng of the hail work of the towr of Neddir Pollok, and ryggeyn stayne onpwtteyne, and swa restis awand to ws be the said Lord Orknaye, tuenty libris, to be payit to ws as the contrac beris; of the quhilk tuenty merkis we dischargis the said Lord, his ayris, executouris, or assignais for ws and [our] ayris, executouris, and assignais, for now and evir. In witnes of the quhilk thyng we haif pwt our hand to the pen, at Neddir Pollok, the xvi day of Julij, in the zeir of God ane thousand fyif hundreth and thretty vi zeris; befoir thir witnes, Sehir Dauid Mason, chapplan, Jhone Weir, masoun, Dauid Maxwel and Andro Allan, Schir Jhon Slesoun, chaplan, with wderis diueris.

I, Jhone Gwid, with my hand on the pen.

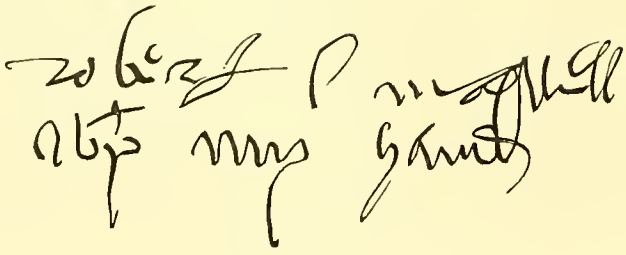
I, Thom Bargille, with my hand on the pen.

Ita est dominus Johannes Slesoun capellanus, manu propria.

Precept of Clare Constat by Robert Lord Maxwell, for infefting Elizabeth Maxwell, daughter and heir of the late John Maxwell of Pollok, in the lands of Nethir Pollok and Carnwedderik, 9th August 1536.

121. Robertus Dominus Maxwell, ae dominus superior terrarum subscriptarum, dilectis meis Thome Wyccar, Archibaldo Hartbertson, ac eorum alteri coniunctim et diuisim, balliuis meis in hac parte specialiter constitutis, salutem. Quia

michi per auetentica doeumenta elare constat et est notum quod quondam Johannes Maxvell de Nethir Pollok, pater Elizabeth Maxwell, latricis presentium, obiit vltimo vestitus et sasitus vt de feodo, ad paeem et fidem supremi domini nostri Regis, de omnibus et singulis terris de Nethir Pollok, Carnwedderik, eum suis annexis, pendiculis et pertinentiis quibuscumque, iaeentibus in baronia de Renfrew et infra viceeomitatum eiusdem; et quod dieta Elizabeth, latrix presentium, est legittima et propinquior heres predicti quondam Johannis, patris sui, de omnibus et singulis predictis terris eum singulis suis annexis, pendieulis et pertinentiis; et quod est legittime etatis; et quod diete terre de me tenentur in eapite per seruicium warde et releuii; et quod huiusmodi in manibus meis tanequam in manibus domini superioris earundem nunc existunt et deuenerunt ob eausam mortis dieti quondam Johannis, patris ipsius Elizabeth: Vobis igitur et vestrum euilibet, eoniunetim et diuisim, preeipio et mando, quatenus visis presentibus, indilate, statum, sasinam pariter et possessionem eorporalem omnium et singularum predietarum terrarum de Nethirpollok et Carnwedderik eum suis annexis, pendieulis et pertinentiis quibuscumque, prefate Elizabeth Maxwell, tanequam legittime et propinquiori heredi predieti quondam Johannis sui patris, vel suo eerto attornato, latori presentium, secundum tenorem antiqui infeofamenti predictarum terrarum desuper prius eonfeeti, iuste deliberetis et haberi faciatis, sine dilaeione, saluo iure cuiuslibet; et hoe nullo modo omittatis: Ad quod faeiendum vobis et vestrum euilibet, eoniunetim et diuisim, meam plenariam, liberam, et irreuoeabilem potestatem eommitto per presentes: In euius rei testimonium sigillum meum presentibus est appensum, vnaeum mea subseriptione manuali, apud Edinburgh, nono die mensis Augusti, anno Domini millesimo quingentesimo trigesimo sexto; eoram his testibus, Magistro Alexandro Seot, reetore de Westray, domino Thoma Castaris, vieario de Quhalislaw, Roberto Magistro de Maxwell, Willelmo Stewart de Traquhair, et Magistro Hugone Rig, eum diuersis aliis.



CHARTER by ROBERT LORD MAXWELL to JOHN MAXWELL of Cowglen and ELIZABETH MAXWELL his spouse, and their heirs-male, of the lands of Nethir Pollok and Carnwedderik, 15th August 1536.

122. Omnibus hanc cartam visuris vel audituris, Robertus Dominus Maxwell, ac dominus superior terrarum subscriptarum, salutem in Domino sempeternam. Noueritis me, pro bono et gratuito seruicio michi et predecessoribus meis multipliciter impenso per predecessores Johannis Maxwell de Cowglen et Elizabethe Maxwell eius sponse, necnon pro bonis consiliis et auxiliis ac certis pecuniarum summis michi impensis ac gratanter et integre persolutis per reuerendum in Christo patrem, Robertum miseratione diuina Orchadensem Episcopum, consanguineum meum, dedisse, concessisse, et hac presenti carta mea confirmasse, necnon dare, concedere, et hac presenti carta mea confirmare prefatis Johanni Maxwell et Elizabethe Maxwell, sue sponse, ac eorum alteri diucius viuenti, in coniuncta infeodatione, et heredibus masculis de corpore eorum legitime procreatis seu procreandis; quibus deficientibus, Roberto Maxwell, fratri germano dicti Johannis et heredibus suis masculis de corpore suo legitime procreandis; quibus deficientibus, dicto reuerendo patri Roberto Maxwell Episcopo Orchadensi, et post eius decessum, Willelmo Maxwell de Carnwederik suo fratri germano, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus omnibus forte deficientibus, legitimis et propinquioribus heredibus masculis dicti Johannis quibuscunque, cognomen et arma de Maxwell gerentibus et portantibus, omnes et singulas terras meas de Nethir Pollok, cum caustro, fortalicio, manerio, ortis, pomeriis earundem, cum suis pendiculis et annexis ad huiusmodi pertinentibus, videlicet, terras de le Manis de Nethir Pollok, Pollokschawis cum molendino eiusdem, necnon terras et villam de Pollokstoun, lie Park, et Pollokhauch, vnacum terris de Carnwedderik et singulis suis pertinentiis, iacentes in baronia de Renfrew et infra vicecomitatum eiusdem; quequidem omnes et singule terre suprascripte, cum caustro, fortalicio, ortis, pomeriis, manerio, molendino, pendiculis et annexis earundem, et singulis suis pertinentiis, prius fuerunt dicte Elizabethe hereditarie, et quas eadem Elizabetha, non vi aut metu ducta, nec errore lapsa, compulsa aut coacta, sed sua mera, pura et spontanea voluntate, cum consensu et assensu dicti Johannis sui sponsi,

in manibus meis, tanquam in manibus domini sui superioris earundem, personaliter, coram subscriptis testibus, sursum reddidit, ac per fustim et baculum pureque et simpliciter resignauit, ac totum ius et clameum, proprietatem et possessionem que et quas ipsa Elizabetha in seu ad predictas terras, cum caustro, fortalicio, manerio, ortis, pomeriis, molendino earundem, et singulis suis pendiculis, annexis et pertinentiis prescriptis, habuit, habet aut quouismodo pro se, heredibus suis aut assignatis, habere poterit, omnino quitteclamauit imperpetuum. Tenendas et habendas omnes et singulas predictas terras de Nethir Pollok, cum caustro fortalicio manerio, ortis pomeriis earundem cum suis pendiculis et annexis ad huiusmodi pertinentibus et spectantibus, videlicet, dictas terras de lie Manis de Nethir Pollok, Pollokschavis cum molendino, necnon prescriptas terras de Polloktoun, lie Park, et Pollokhauch, vnacum prescriptis terris de Carnwedderik, et singulis suis pertinentiis, prefatis Johanni Maxwell et Elizabethe Maxwell sue sponse, ac eorum alteri diucius viuenti in coniuncta infeodatione, et heredibus masculis de corpore eorum legitime procreatis seu procreandis; quibus deficientibus, prefato Roberto Maxwell et heredibus suis masculis de corpore suo legitime procreandis; quibus deficientibus, prenominato reuerendo patri, et post eius decessum, sepefato Willelmo Maxwell suo fratri germano, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus omnibus forte deficientibus, legitimis et propinquioribus heredibus masculis dicti Johannis quibuscunque, cognomen et arma de Maxwell gerentibus et portantibus, de me, heredibus meis et assignatis, in feodo et hereditate imperpetuum; per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonariis, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, brasinis, brueriis et genestis, siluis, nemoribus et virgultis, lignis, lapicidiis, lapide et calce, cum curiis et earum exitibus, amerciamentis herezeldis, bludewitis, et mulierum merchetis, cum communi pastura, libero introitu et exitu ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis, ac iustis pertinentiis suis quibuscumque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope ad predictas terras cum caustro, fortalicio, manerio, ortis, pomeriis, molendino,

annexis, pendiculis et pertinentiis prescriptis speetantibus, seu iuste speetare valentibus quomodolibet in futurum; et adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut dicta Elizabetha aut predecessores sui predictas terras cum suis pendiculis, annexis et pertinentiis suprascriptis, de me aut predecessoribus meis ante presentem resignationem earundem in manibus meis factam, liberius tenuit seu possedit, tenuerunt seu possederunt, ac sine retinemento, reuocatione aut contradictione quacumque: Reddendo inde annuatim prefati Johannes Maxwell et Elizabetha Maxwell eius sponsa, ac eorum alter diucius viuens, et heredes masculi de corpore eorum legitime procreati seu procreandi; quibus deficientibus, sepefatus Robertus Maxwell et heredes sui masculi preseripti; quibus etiam deficientibus, prelibatus reuerendus pater, et post eius decessum, memoratus Willelmus Maxwell et heredes sui masculi de corpore suo legitime procreati seu procreandi; quibus omnibus forte deficientibus, legitimi et propinquiores heredes masculi dieti Johannis quicumque, michi, heredibus meis aut assignatis, wardam et releuium cum contigerint tantum, pro omni alio onere, exactione, questione, demanda seu seruicio seculari que de predictis terris, caustro, fortalicio, manerio, pomeriis, ortis, molendino, annexis, pendiculis et pertinentiis prescriptis, per quoscumque iuste exigi poterunt quomodolibet vel requiri: Et ego vero prefatus Dominus Maxwell, heredes mei et assignati, omnes et singulas predictas terras de Nethir Pollok, cum caustro, fortalieio, manerio, ortis, pomeriis earundem, cum suis pendieulis et annexis ad huiusmodi pertinentibus et spectantibus, videlicet, dictas terras de lie Manis, de Nethir Pollok, Pollokschavis cum molendino, necnon prescriptas terras de Polloktoun, lie Park, et Pollokhauch, vnacum preseriptis terris de Carnwedderik, cum singulis suis pertinentiis, prefatis Johanni Maxwell et Elizabethe Maxwell sue sponse, ac eorum alteri diucius viuenti in eoniuncta infeodatione, et heredibus maseulis de corpore eorum legitime procreatis seu procreandis; quibus deficientibus, prefato Roberto Maxwell et heredibus suis masculis de corpore suo legitime procreandis; quibus deficientibus, prenominato reuerendo patri, et post eius decessum, sepefato Willelmo Maxwell suo fratri germano, et heredibus suis masculis de corpore legitime procreatis seu procreandis; quibus omnibus forte deficientibus, legitimis et propinquioribus heredibus masculis dicti Johannis quibuscumque, cognomen et arma de Maxwell gerentibus et portantibus, adeo libere et quiete, in omnibus et per omnia,

forma pariter et effectu, vt prescriptum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium sigillum meum proprium huic presenti carte mee est appensum, vnacum subscriptione mea manuali, apud Edinburgh, decimo quinto die mensis Augusti, anno Domini millesimo quingentesimo trigesimo sexto, coram hiis testibus, videlicet, Roberto Maxwell filio meo et herede apparenti, Patricio Maxwell de Newerk, Georgio Flemyng de Kilmacome, Andrea Charteris Rectore de Kirkmichaell, Jacobo Stewart, Magistro Hugone Rig, Gawino Johnstoune, Donaldo Fullartoune, Johanne Makneill et Alexandro Makneill, notariis publicis cum diuersis aliis.

ROBERT L. MAXWELL.

CHARTER by JOHN MAXWELL of Nethir Pollok and ELIZABETH MAXWELL his spouse, of the liferent of the lands of Carnwedderik to WILLIAM MAXWELL, and of the lands of Pollokhaucht to WILLIAM MAXWELL and JONET CATHCART his spouse, 27th August 1536.

123. Omnibus hanc cartam visuris vel audituris, Johannis Maxwell de Nethir Pollok et Elizabetha Maxwall eius sponsa, salutem in Domino sempiternam: Quia alias carissimus noster Willelmus Maxwell, patruus mei dicti Johannis, renunciauit, resignauit et extradonauit omnes et singulas terras de Guvanschelis et Haggis cum pertinentiis, in quibus rentilisatus erat per archiepiscopum Glasguensem, in fauorem mei dicti Johannis et quondam carissimi patris mei Georgei Maxwell de Cowglen, ac eciam quia reuerendus in Christo pater, Robertus episcopus Orchadensis frater germanus prefati Willelmi, suis sumptibus ad nostram requisitionem impetrauit dispensationem apostolicam pro matrimonio inter nos dictos Johannem et Elizabetham Maxwell contrahendo, de cuius impensis in fauorem dicti Willelmi sui fratris et ad eius instanciam nos exonerauit et quitteclamauit, necnon pro certis aliis gratitudinibus, auxiliis et benemeritis nobis per dictum Willelmum multipliciter impensis, noueritis igitur nos, non vi aut metu ductos, nec errore lapsos, compulsos aut coactos, sed nostris meris puris et spontaneis voluntatibus, vnanimi consensu et assensu, dedisse, concessisse, et hac presenti carta nostra confirmasse, necnon dare, concedere et hac presenti carta nostra confirmare dicto Willelmo Maxwell omnes

et singulas terras nostras de Carnwedderik, cum pertinentiis, in vitalem redditum durante toto tempore vite sue, necnon dicto Willelmo et Jonete Cathcart sue sponse, ac eorum alteri diucius viuenti in coniuncta infeodatione, eciam in vitalem redditum, omnes et singulas terras nostras de Pollokhaucht cum pertinentiis, jacentes infra baroniam de Renfrew et vicecomitatum eiusdem: Tenendas et habendas omnes et singulas predictas terras de Carnwedderik cum suis pertinentiis prefato Willelmo Maxwell in vitalem redditum, durante toto tempore vite sue, necnon predictas terras de Pollokhaucht, cum suis pertinentiis, prefatis Willelmo et Jonete Cathcart sue sponse, ac eorum alteri diucius viuenti in coniuncta infeodacione, eciam in vitalem redditum vt dictum est, de nobis, heredibus nostris et assignatis durantibus eorum vite temporibus, per omnes rectas metas suas antiquas et diuisas, prout jacent in longitudine et latitudine, in domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis, pasturis, molendinis, multuris et eorum sequelis aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonariis, cuniculis cuniculariis, columbis, columbariis, fabrilibus, brasinis, brueriis et genestis, siluis, nemoribus et virgultis, lignis, lapicidiis, lapide et calce, cum curiis et earum exitibus, amerciamentis, herezeldis, bludwitis et mulierum merchetis, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis, ac justis pertinentiis suis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad predictas terras cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo impedimento, reuocatione, contradictione aut obstaculo aliquali: Reddendo inde annuatim dicti Willelmus et Joneta sua sponsa, ac eorum alter diucius viuens, nobis, heredibus nostris et assignatis, vnum denarium vsualis monete regni Scotie, in festo penthecostes, super solum dictarum terrarum de Carnwedderik, nomine albefirme, si petatur tantum, pro omni alio onere, exactione, questione, demanda seu seruicio seculari, que de predictis terris cum pertinentiis, per quoscumque juste exigi poterunt quomodolibet vel requiri: Et nos vero prefati Johannes Maxwell et Elizabetha Maxwell eius sponsa, heredes nostri et assignati, omnes et singulas predictas terras de Carnwedderik, cum suis pertinentiis, prefato Willelmo Maxwell, in vitalem redditum durante toto tempore vite sue, necnon predictas terras de Pollokhaucht

cum suis pertinentiis, prefatis Willelmo Maxwell et Jonete Catheart sue sponse, ac eorum alteri diucius viuenti in coniuncta infeodatione, etiam in vitalem redditum, adeo libere et quiete in omnibus et per omnia, forma pariter et effectu ut premissum est, contra omnes mortales varantizabimus, acquietabimus, [et] durantibus eorum vite temporibus defendemus. In cuius rei testimonium sigilla nostra huic presenti carte nostre sunt appensa, vnacum nostris subscriptionibus manualibus, apud Edinburgh, vigesimo septimo die mensis Augusti, anno Domini

millesimo quingentesimo trigesimo sexto; coram his testibus, videlicet, Patricio Maxwell de Newwerk, Waltero Maxwell de Akynheid, Magistro Alexandro Scot rectore de Westra, Roberto Weir, Johanne Kyng, Dominis Thoma Carstaris, Waltero Slichsoune, capellanis, Donaldo Foullartoun, Johanne Makneill et Alexandro Makneill, notariis publicis, cum diuersis aliis.*

King James v. to John Maxwell of Pollok, to attend on the arrival of the King with his Queen from France, 8th February [1536].

124. James, be the grace of God King of Scottis, to oure weilbelouit friend, [John Maxwell] of Netherpook, greting: Forsamekle as we haue writtin to ane maist reuerend fader in God, and oure traist counsalour, Gawin Archibischop of Glasgw, oure chancellar, and to the lordis regentis of oure realme, schewand to thame oure greit weilfair and prosperite in all materis and effaris in the pairtis of France, and specialie of the completing of our mariage with the eldest dochter of the maist Cristin King, oure confiderate and allia, the King of France, to the hie honour, weilfair, and reiosing of ws and all our liegis; exhortand our said chancellar and regentis heirfor to eaus sic ordinances and honesteis to be had be our estatis as efferis, for the ressaving and blyth returnyng of ws and our said derrest spous and Quene: Oure will is heirfor, and we pray zow ryeht effectuusly, that ze, with zour kin, freindis, and servandis,

* The seal of Elizabeth Maxwell is also appended to this charter, and it is exactly the same as her husband's, with the exception of the inscription, which is—S. Elizabeth. Maxuel dñe de Nethir Pollok.

addres zow in zour best wis, with honorable abulzeamentis baith for zour hors and fute, with zour eompanyis, efferand to zour estait and degreis to ane few honest novmer, as ze sall think expedient, for ressaving and meting of ws and our said Quene, quhilk is belevit to be about the tent day of Aprile next toeum, for zour awne honour; and that ze be reddy to eum to our burgch of Edinburgh, upone ten dais warnyng to the samin effeet, as ze will report speciale thankis of ws thairfor. Gevin vnder our signet at Edinburght, the viij day of Februar, and of our regne the xxiiij zeir.

Per Dominos Consilij, etc.

Lard Netherpook.

Discharge by George Wr, burgess of Edinburgh, of all debts owing to him by Robert [Maxwell] Bishop of Orkney, exeept £23, 28th August 1539.

125. At Dunbertene, the xxviij day of Awgust, the zeir of God ane thowsand fyif hundretht thretty nyne zeris, the eompt is maid and rekynnit in all thingis bygayne, to the day and the dait of this present, betwex ane rewerend fader in God, Robart Bysehep of Orknay and Zetland, one the ta part, and ane honorable man, Georgis Wr, bwrges of Edinburgh, one the toder part, of all marehandiee, sowmis, beyr sawld be the said rewerend fader to the said Georgis Wr, and all wder thingis betwex tham, and elk ane of tham disehargis wderis of all thyngis bygayne of ony thyngis betwex tham, in ony maner of sort, exeep allanerly that the said rewerend fader is awand to the said Georgis Wr twenty thre libris in compleit payment of all thingis bygayne betwex them; quhilk twenty thre libris the said rewerend fader promittis faithfully to pay to the said Georgis Wr, betwex and the fyrst day of May nixt to eum; and all wder writtyngis and obligations and eonditions quhat sum ewer is betwex the said rewerend fader and Georgis to [be] annullit, distroyit, and disehargit, exeep allanerly this present, and this to be obserwit and kepit. In witnes of the quhilk thyng, and to the part ramanan witht the said Georgis Wr, the said rewerend fader hais subscriwit this present writ, and set to his sygnet; and to the part ramanan witht the said rewerend fader, the said Georgis Wr hais subseriuit this writ witht his hand at the penn, and sett to his mark, day, zeir, and

plaee afoyrsaid, befoyr thir witnes, Maister James Maxwell, wiear of Stronsay, Gilbart Wr, Robart Weyr, Jhonne Cwyk, Jhonne Fleming, witht wderis diueris.

Ro. Orcaden. Eps.

Memorandum by Robert [Maxwell] Bishop of Orkney, 24th Oetober 1540.

126. Memorandum: Duneane Seolae, phow ze sall deliuer my fat gud that is in William Thomsone selip, and rasaue my monye fray Dauid Woderburine, and deliuer it as efter followis :—

Item in primis, deliuer till Dauid Woderburine sewin last of butter, and sewin dakar hidis, and iij pontionis beif.

Item, ze sall rasaue fray Dauid Woderburne twa hundreht merkis of vsuall monye of this relme, at deliuerans of the fat gud, as our eontract beris.

Item, ze sall deliuer till Edward Kynked xviij pundis, and tak his aquitans thair of.

Item, ze sell deliuer till Adam Stewartis wif of Raihtsytht, ten pund for my hows maill, or ellis till Willian Fullarton in thair absains, to be deliuerit to tham, and tak his hand writ thairof, or thairis.

Item, ze sell deliuer till William Fullairtown ten pund for the bairne, Johne Maxwell, and tak his aquitans thair of.

Item, ze sell rasaue to zour self twenty pundis in payment till eowmpt and rakynin.

Item, ze sell deliuer till Culbert Paitown xl s.

Summa thre^{xx} pundis.

Item, ze salbrying the remanens of the twa hundreht merkis to my self, and se my obligatione of every man ze gif monye to, and tak thair aquitans for my warrand, and bryng me my obligationes; and this ze do, as ze will ansowr to me, and haif eridens in tymis eummyng be this owr memorial, subseriuit with owr hand onder owr signet, at Kirkvald in Orknaye, the xxiiij day of Oetober, the zeir of God ane thowsand fife hundreht and fowrty zeiris, befor thir witnes, William Maxwell, owr broder, Maister Alexander Wes, Jame Dawrumple.

R. Orchaden. Eps.

INSTRUMENT upon the delivery to JOHN MAXVELL of Nedir Pollok of silver plate which belonged to the late Robert Maxuell, Bishop of Orkney, 24th December 1540.

127. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnationis Dominice millesimo quingentesimo quadragesimo, mensis vero Decembris die vicesimo quarto, indictione decima quarta, pontificatus sanctissimi in Christo patris ac domini nostri, domini Pauli diuina prouidentia pape tercij anno septimo: In mei notarii publici et testium subscriptorum presentia personaliter constitutus honorabilis vir, Villelmus Maxuell de Carnedrig, comparuit in camera olim reuerendi patris Roberti Episcopi Orchadensis de Zardis in Kirkuald coram venerabilibus et honorabilibus viris, videlicet, Magistris Iohanne Tyre archidiacono Orchadensi, Petro Houstone rectore de Hoy, Jacobo Maxvell vicario de Stronsay, Roberto Hall, dominis Johanne Jacsone, Georgio Strang, capellanis, Iohanne Euart, Duncano Scola, Thoma Vicaris, Johanne Flemyng, Jacobo Daurumple, et Thoma Lech, et ibidem in presentiis predictorum virorum predictus Villelmus Maxuell, non vi aut metu compulsus aut errore lapsus, neque dolo aut fraude circumventus, sed eo proprio motu et spontanea voluntate dedit et deliberauit Johanni Maxvell de Nedir Pollok et dixit in vulgari, sub hac uerborum forma. Heir I delyuir to zow awcht skoir and saxtene wnce, and half ane wnce of siluer work maid, anc cros and ane goldine rying, extending to ane levine crovnis and half ane crovne of wecht, and this to be kepit be zow, and ze to ansuer therfor to the aris and executouris of Master Robert Maxuell, vmquhill Bischop of Orknay, quham God assolze. Et e conuerso, predictus Johannes Maxuell de Nether Pollok vulgariter dixit. I sall keip the sammyn siluer work befoir vretin, and ansuer for the sammyne to the aris and executouris off vmquhill Robert Bischop of Orknay, as law vill; bot gif it be tane fra me in Orknay, or tynt or reft fra me be see. Super quibus omnibus et singulis ipse prefatus Johannes Maxuell de Nether Pollok sibi fieri petiit instrumentum vel instrumenta vnum vel plura publicum seu publica a me notario publico subscripto. Acta erant in camera olim reuerendi patris, Roberti Episcopi Orchadensis de Zardis in Kirkuald, hora secunda post meridiem vel eo circa, sub anno, die, mense, indictione et pontificatu quibus

supra; presentibus ibidem, Magistris Iohanne Tyri, archidiacano Orchadensi, Petro Houstone rectore de Hoy, Jacobo Maxuell vicario de Stronsay, Roberto Hall, dominis Johanne Jacsone, Georgio Strang, capellanis, Iohanne Euart, Duncano Scola, Thoma Vicaris, Johanne Flemyn, Jacobo Daurumple et Thoma Lech, cum diuersis aliis ad premissa vocatis pariter et rogatis.

Et ego ALEXANDER VANS, arcium magister, clericus Glasguensis etc.

OBLIGATION by SIR JOHN MAXWELL of Pollok to keep the silver-plate of the late ROBERT MAXWELL, Bishop of Orkney, 24th December 1540.

128. Vecesimo quarto die mensis Decembris, anno Domini millesimo quingentesimo quadragesimo, indictione decima quarta, Pauli pape tercii anno septimo:

In mei notarii publici et testiumque subscriptorum presentia personaliter constitutus honorabilis vir, Johannes Maxwell de Neddir Pollok, dixit in vulgari, "I sall keip and ansuer for this siluer work to the airis and executouris of Bischop Robert Maxvell, quham God assolze, as law will, bot gif it be tane or reft fra me in Orknay, or tynt be se." Super quibus omnibus et singulis, dictus Johannes sibi fieri petiit a me notario subscripto instrumentum seu instrumenta publicum seu publica. Acta erant hec in camera reuerendi patris in Kirkwall, Roberti Maxvell, olim episcopi Orchadensis, hora secunda post merediem vel eo circa, sub die, anno, indictione, et pontificatu quibus supra; presentibus ibidem, magistro Johanne Tyre, archidiacono Zetlandie ac vicario de Birsay, magistro Petro Houstoun, rectore de Hoy ac officiali Orchadensi, magistro Jacobo Maxvell, vicario de Stronsay, domino Johanne Jaksone, prebendario Sancti Egedij, domino Georgio Strang, capellano, Johanne Ewart, Thoma Wickar, Johanne Flemyng, Jacobo Daurumple, et Jacobo Scot, cum diuersis aliis.

Ita est, ALEXANDER VANS, notarius publicus manu propria.

Precept by Walter Maxwell of Aikinhead and William Maxwalle of Carnwoderik, executors of my Lord (Bishop of) Orkney, to George Abernethy, to deliver certain articles to the Laird of Nedder Pollok, 23d March 1540.

Jhesus.

129. Waltir Maxwall of the Akinheid, William Maxwall of Carnwoderik, the executouris left be my Lord Orknay : Georgis Abirnethy, we commend ws to zow : Ze sall deliuer to the Lard of Nedder Pollok certane inspreth, as eftir followis ; videlicet, ane stand bed of estland burd, ane mekill pot, the maist ark, ane brandreise of irne, the maist chymnay of irne, ane girdill, ane baik stule, ane maskin fat, with gilefattis, a chire, ane cowntir, ane press : And ze sall keip this precept to zour warrand. In witnes of the quhilk, we haif subscriwit this precept with our hand on the pen, at Glasgow, the xxiij day of Marcij, the zeir of God, etc., xl zeris, befoir thir witnes, Jame Pirre, Jhonne Flemying, Wille Neylsoun, with wtheris diuers.

Waltir Maxwell of Akinheyd, wyht my hand on the pen.
Wylzem Maxwalle, wyht my hand at the pen, befoyr thir wytnes, Henry Hall, Janet Scheles, wyht wtheris diuers.

Memorandum of the delivery of certain articles of furniture which belonged to the late Robert Maxwell, Bishop of Orkney, by his executors, to John Maxwell of Pollok, 26th March 1541.

130. Memorandum. This is the geir onder written that Johnne Maxwall, Lard of Nether Pollok, resawit fra Watte Robisone, beidman in the Collage of Dunbertane, owt of the sammyn Collage, at the command of the executouris of wmquhill Bischep Robert Maxwall of Orknay and Prowest of Dunbertane, videlicet, Walter Maxwall of Akinheid and William Maxwall of Carnwoderik. Item, imprimis, ane stand bed of estland burd : Item, ane mekill pot : Item, the maist ark, ane brandress of irne, the maist chymnay of irne, ane girdill, ane baikstule, ane maskin fat, with thre gile fattis, ane cowntir, ane harthorne, ane copburd, ane chiyr. And I the said Johnne Maxwall of Neddir Pollok resawit this forsaid geir at the command of the executouris, the xxvj day of Marcij, the zer of God M. v^{c} xli zere, befor thir witnes, Thomas Fallowsdaill, George

Abirnethye, Thomas Wiearis and Thomas Leche; of the quhilk geir I bind and obliss me to keip scathtless at all mennis hands, the said Walter Robisone and all wderis: and for the mair seeurite, I the said Johnne Maxwall of Nedder Pollok hes subscriwit this present writ with my hand.

JOHNNE MAXWALL of Nedder Pollok.

Hec est vera copia prineipalis litere.

OBLIGATION by JOHN HOUSTOUN of that Ilk to JOHN MAXWELL of Pollok to re-deliver two silver cups of the late Bishop of Orkney, 26th January 1541.

131. I, Jhone Houstoun of that Ilk, that forsamekle as Jhone Maxwell of Nedder Pollok hes deliuerit me ane siluer cowp with ane covering dowbill gylt, eontenand thretty four wncis and ane quarter vnce, and ane wther covp with the euver of siluer dowble gilt, contenand twenty four vnee, quhilkis pertenit to wmquhill ane reuerend fadir in God, Robert Bischop of Orknay, and that in part of payment of certane vitalis sauld to me be the said vmquhill Bischop, as his letterez obligatouris maid to me proportis; quhilkis letterez obligatouris I haue presently deliuerit to the said Jhone Maxwell: nochtwithtstanding, gif it sall happin the said Jhone Maxwell to be convenit befor quhatsumeuer jugis for the forsadis cowpis be quhatsumeuer party, the said Jhone Maxwell warnand me for my entres, and deliuerand to me the sadis letterez obligatouris maid to me be the said wmquhill Bischop, and vsand my cunsell in iust defens of the samyn, I sall thaireftir deliuer agane to the said Jhone Maxwell the forsadis twa cowpis, or ellis the awaill of the samyn, within acht dayis eftir the sentens be gevin thairof contra him. Witnes heyrof I haue subscribit this present writ with my hand, at Houstoun, the xxvj day of Januar, the zeir of God M. v^{c} xlj zeris, befor thir witnes, George Houstoun of the Park, Maister Petir Houstoun, Thomas Leehe, James Darrumpill, with wderis diuers.

JHON HOUSTOUN of that Ilk.

WRIT by ADAM COLQUHOUN, offieial of Glasgow, granting to JOHN MAXWELL of Pollok a farther day to redeem two silver cups, 31st Oetober 1541.

132. I, Maister Adam Colquhoun, offieiell of Glasgow and persoun of Stobo, grantis

me that, nochtwithstanding at I gaif ane honorabill man, Johnn Maxwell of Pollok, daye quhill this nyxt Mertimes, to lowis twa silwer cowpis, with twa coueris ourgilt, or ellis to remane with me, conforme to ane wryting maid betuex vs tharupoun : nochtwithstanding, I am content be the tenour of this wryt, to gif hym daye quhill Sanct Mungo's daye nyxtocum to the lowsyng of the saidis cowpis. In wytnes herof, I haif cawsit Maister Archibald Crawfurd, persoun of Eglissam, notar, to subscriwe this wryt at Glasgow, vltimo die mensis Octobris, anno Domini, etc., and xli^mo^

ARCHIBALDUS CRAWFURD, notarius publicus, ad premissa de mandato officialis, manu propria.

ARCHB. C.

NOTARIAL INSTRUMENT, relative to the delivery of the keys of the Castle of Glasgow, by JOHN MAXWELL of Nether Pollock to GAVIN [DUNBAR], Archbishop of Glasgow, 11th May 1544.

133. Die xj mensis Maij, anno Domini millesimo quingentesimo quadragesimo quarto, indictione secunda, pontificatus sanctissimi in Christo patris et domini, Pauli pape tercij anno decimo, etc. etc.

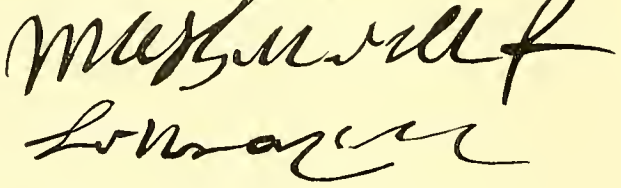
In mej notarij publicj et testium subscriptorum presencia, ane noble man, Johnne Maxwel of Nether Pollok, passit to the presence of ane maist reuerend fathir in God, Gavin, Archibischop of Glasgw, and thair the said Johne perofferit to the said maist reuerend fathir the keis of his castell of Glasgw, the foir-zet beand lokit be the said Johnne, and na personis left within it : The quhilk maist reuerend fathir refusit to tak the said keis, quhil the said Johnne had delyuerit the geir in the said eastell efter the tenour of the inuitour maid thairupoun befoir [ane] notar and vitnes ; and the said maist reuerend fathir send with the said Johnne Maister Alexander Dunbar, dene of Murray, Maister Johne Colquhoun, persone of Stobo, Maister Peter Stewart, and me notar, to pass in the said castell, and to vyse the hous within, and sie and consider gif the geir was in place eftir the inuitour maid of befoir : Quhilk personis visit and considerit all the chalmeris and place, except the Erle of Leuenax' chalmer, quhilk vas lokit and vnstrekin vp, and thaireftir come incontinent and schew to the said maist reuerend fathir at the geir vas in place as the inuitour pro-

portit: and than the said Johnne delyuerit to the said maist reuerend fathir the keis of the said castell, the foirzet beand lokit be the said Johnne, and na personis left thairin: The quhilk maist reuerend fathir resauit and tuk the said keis fra the said Johnne and deliuerit tham in keping to the said Maister Petir his seruand. Super quibus premissis dictus Johannes Maxwell petiit instrumentum: Acta erant hec intra palacium dicti reuerendissimi patris, et castrum eiusdem, horas inter decimam et duodecimam meridiej; presentibus ibidem reuerendo domino Willelmo episcopo Lesmorense, Andrea Cunningham eius fratre germano, Magistro Jabobo Cunninghame, rectore de Inchcalloch, Valtero Maxwell de Akinheid, Magistro Dauid Vilsoun burgense Glasguense, et Thoma Leich, testibus in premissis rogatis et requisitis, etc.

Nicolaus Withirspoun, notarius publicus, etc.

Discharge by Matthew Earl of Lewnax to John Maxwell of Pollok, for the geir and goods in the Castle of Glasgou, 11th May 1544.

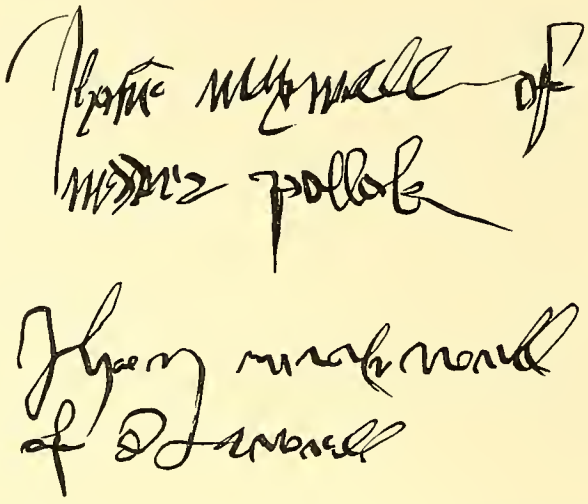
134. I, Mathoue, Erll of Lewnax and Lord Dernelie, grantis me to hawe resauit the geir and guddis beynge in the Castel off Glasgu at the entre off Johne Maxvell off Nether Pollok, and dischargis and quhitclamis, be the tenour heiroff, the said Johne Maxvell and all his, off saidis guddis, and bindis and oblis me, myn airis, to varrand and relewe the said Johne for the intromissioun with the Castell forsaid, and guddis tharin at all handis, quhilkis ma persow or followe the said Johne tharfor ony vayis, and sall relewe and varrand the said Johnne of all dampnage and skathis he ma incure thairthroue ony tyme to cum; and, for mair verificatioun heirof, I the said noble lord hes subscriuit this discharge and obligatioun, and to thir presentis affixit to my signet at Glasgu the xi day of Mai, the zeir of God ane thousand w^{c} and xliiij zeris, be foir thir vitnes, Villiam be the permission of God Bischop of Argile, Dauid Morray, Johne Logan, Johne Kinge, and Thomas Leich, with other diuers.



AGREEMENT between JOHN MAXWELL of Pollok and JOHN MAXWELL of Dargavell to submit their disputes to arbitration, 15th July 1544.

135. At the brigend of Elzestone, the xv day of Julij, the zeir of God i^m v^c and xl four zeris, it is appoynttuat, agreit, and finaly compromittit betuix thir parteis ondervrittin, videlicet, Johne Maxvell of Nether Pollok, sone and air to vmquhill Georg Maxvell of Cowglen, on that ane part, and Johne Maxvell of Dargavall one the other part, to abyd, onderly, and fulfill the decreit and sentence arbitrall of jugis onderwritting; videlicet, for the part of the said Johne Maxvell of Nether Pollok, Robert Lyndesay of Dunrod, and Gabriell Symple of Cathcart for the part of the said Johne Maxvell of Dargavel; and in cais of descord of the jugis foirsaid, ane venerable clerk, Maister James Houstoun, subdane of Glasgow, odman and superior to the saidis jugis. And the saidis parteis foirsaid ar oblist and suorn, be ostensione of thair handis, to abyd and onderly the decret arbitrall of the jugis and superior foirsaid, or the maist part thairof: And in lykwys the saidis jugis ar oblist and suorne befoir ane noble lord, William Lord Symple and Schireff of Renfrew, in presens of the parteis foirsaid to decreit and sentence arbitrall pronunce and furth gif. annenttis all debaittabillis materis beand betuix the saidis parteis ony way befoir the dait heirof, and in speciall annenttis the clame of the half ward landis of Nether Pollok, pertenyng the said Johne Maxvell, air to vmquhill Georg Maxvell of Cowglen, and the clam of nonentres of the landis of the Mckle Cowglen, Lytle Cowglen, Pottertone, Decunbankis, and Heildfeld, liand vithin the lordschip of Dernle and schirefdom of Renfrew, pertenand to Johne Maxvell of Dargavell, quhilkis jugis arbitouris and amycable compositouris chosyng betuix the parteis foirsaidis in the caus aboue vriting, and sall conveyn and meit in the Kirk of Renfrew on Thysday the xx tua day of Julij nixt to cum, and accep the sammyn in and vpon tham, and sall pronunce and sentence furth gif, efter faith, lauty, and gvid conscience, within ane xv dayis thairefter; and quhat evir beis ordanit or decreittit be jugis or maist part thairof, the partyis sall fulfill the sammyn, but ony reclamacioun, provocatioun, or egancalling, but ony ferder proces of law to be wsit in the contrar. In witnes heirof, the saidis parteis hes subscribit this present compromit with thair handis, day, zeir, and place aboue vriting, befoir thir witnes, noble lord, Wil-

liam Lord Symple, Johne Lord Lyill, Johne Symple of Fullwod, Patric Maxvell of Neuwork, Thomas Spreull of Coudone, Walter Maxvell of Akynheid, and William Walliace of Jonstone, with oderis diueris.



Thyisday the xxii day of Juli, juges, arbitoures, and superior odman within writtin, conuenis in the Kirk off Renfreu wpone causis debatable, beynge betuex partis within writtin, eftir tenor off compromitt; and thar, with consent of athir of partis, juges and superior within writtin decernit and ordanit the partes to meit and conueyne agane on Sonday cum viij dayis, the thrid day of August next to cum, and assignat to parteis that day as day peremptour to vse and produce all ryehtis thai pleis vse for the veill of thar materis befor thir vitnes, Valter Maxvell of Akinheid, Robert Maxvel, and M. Mathoue Flemynge, vith othir diueris.

Vilelmus Berclay, de speciali mandato restroscriptorum Judicum et partium sua manu.

Alexander Wans, notarius publicus ad idem.

Jugis and owrisman, with consent of partes, contynuis this present compromyte vnto Tyisday eum viij dayis, and to conveno and meyt in Paslay the said day.

Johannes Porterfeild, Notarius.

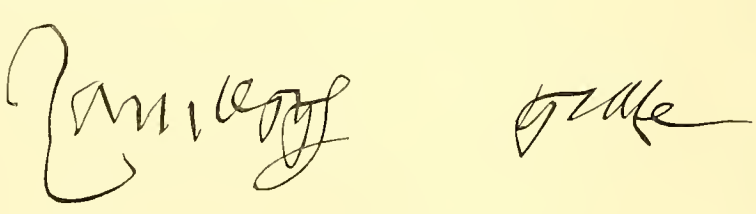
INSTRUMENT OF EXONERATION by the tenants in Cowglen, to JOHN MAXWELL of Pollok, 2d January 1544.

136. In Dei Nomine Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum quod anno ab Incarnatione Domini millesimo quingentesimo quadragesimo quarto, die vero secundo mensis Januarii, indictione tertia, pontificatusque sanctissimi in Cristo patris et domini nostri, domini Pauli diuina prouidentia pape tertii anno vndecimo : In mei notarii publici et testium subscriptorum presentia personaliter compcrit discret men, namely, William Glen and Jhone Neilson, to giddyr with the laif of the tenendis in Cowglen, in presence of ane honorable man, Jhone Maxwell of Neddyr Pollok, the quhilk Jhone requirit thaim, and ilk ane of thaim, gif ther was ony skaith or dammage done to thaim or ane of thaim be him or ony of his seruandis. The quhilkis foirsaidis tenendis and ilk ane of thaim, of thair awin fre will and motyif, wn coakit or compellit be ony man, exonerit and dischairgit the said Jhone and his seruandis of all wrangis, skaythis, truble, or dammage done be him or ony of his seruandis, except the waye takene off achtene bollis meill and half ane boll meill, that is to sayc, fra the said William Glen, x bollis meill, and fra the said Jhone Neilson, acht bollis and half ane boll meill ; the quhilkis xviii bollis and ane half boll meill the said Jhone tuik furth of the saidis landis of Cowglen pertenen to him heretable, as he allegit, in pairt of payment for the fermis and deuyteis by gane : And gif ther was ony skayth or dammage done to thaim be him or his seruandis, thae exonerit and dischargit him and his seruandis, as said is, sa that the saidis xviii bollis and ane half boll meill be furth cummand and warranit to thaim. Super quibus omnibus et singulis prefatus Joannes petiit sibi fieri a me notario publico subscripto vnum vel plura publicum seu publica instrumentum aut instrumenta : Acta erant hec apud locum de Neddyr Pollok, horam circiter vndecimam ante meredicm, anno, die, mense, indictione et pontificatu quibus supra ; presentibus ibidem discretis viris Joanne Logane, Dauid Mungumry, Valtero Spreull, Henrico Hall, Joanne Hall, Joanne King.

Et ego Joannes Craufurd, presbyter Glasguensis diocesis, sacra auctoritate apostolica notarius ; quia etc.

GIFT by QUEEN MARY, subscribed by the Regent Arran, to JOHN MAXWELL of Pollok of the nonentry of the lands of "Nether Powk," 1546.

137. Oure Souerane Lady, with auis, eonsent, and autorite of hir derrest eousing and tutour, James Erle of Arrane, Lord Hammyltoun, etc., Proteetour and Gouernour of hir realme, ordains ane letter to be maid vnder hir priue sele, in dew forme, to hir louit Johnne Maxwell of Nethir Pook, of the gift of the ward and nonentres of all and haill the xx lib. land of auld extent of Nether Powk, with the toure, fortaliee, maner plaee, pairtis and pendieulis thairof, and thair pertinentis, liand within the shirefdome of Renfrew, with all malis, fermes, proffittis, and dewiteis of the samyn, of all zeris and termes bigane that the samyn hes bene in the handis of our souerane Lady or hir predeeessouris, be ressoun of waird or nonentres, sen the deees of vmquhile Robert Lord Maxwell, or ony vtheris his predeeessouris, last lauehfull and immediat tennentis to hir Hienes or hir predeeessouris thairof; and sieklike of all zeris and termes to eum, ay and quhill the lauehfull entre of the richtuous air or airis thairto being of lauehfull aige, with the releif thairof quhen it sall happin: With power to the said Johnne, his airis and assignais, ane or ma, to intromett and tak vp the malis, fermes, profittis and dewiteis of the saidis landis, during all the tyme of the said ward, nonentres, and releif thairof, and to oeeupy the samyn with thair awne gudis, or sett thame to tennentis as thai sall think maist expedient, during the said spaee, with eourte playnt, herezeld, and merehete, vnlawis amerchiamentis and esehetis of the saidis eourtis, and with all and sindrie vtheris eommoditeis, fredomes, etc., frelie, quietlie, etc., but ony reuoeatioun, etc.; and that the said letter be extendit in the best form, with all elauses neidfull. Subseriuit be my Lord Gouernour at the day of , the zeir of God j^{m} v^{c} xlvi zeirs.



WARRANT by JAMES EARL OF ARRAN, Regent of Scotland, in favour of JOHN MAXWELL of Pollok, 10th March 1547.

Gubernator.

138. Iustice, and Iustiee Clerk, and zour deputis, we grete zou wele. Forsamekle as we ar informit that Johnne Maxwell of Nether Pollok is callit to vnderly the law in the tolbuth of Edinburcht, the xx day of Marche instant, for the allegit remanyng and abiding at hame fra the oist and raid devisit to convene at the Sanchar, in Nythisdale, the day of Januar last bipast, for resisting of our auld innemyis of Ingland: Howbeit, it is nottourly knawin to ws that the said Johne send his serwandis and tenentis to the said raid, and thairfor we will nocht that he be ony forther cummerit in the said mater. Quhairfor we eharge zou that, incontinent eftir the syeht heirof, ze desist and ceis fra all calling, vnlawing and proceding aganis the said Johnne and his souerteis at the forsaid day, for the caus aboue writtin, dischargeing zow thairof, and of zour offices in that part foreuir, be thir presentis. Subscriuit with our hand at Glasgw, the x day of Marche, the zeir of God j^{m} v^{c} xlvij zeris.

JAMES G.

INSTRUMENT OF SASINE of JAMES MAXWEL, son and heir of John Maxwel of Cowglenn, in the lands of Pottartoun, Dickonisbank, Hilfeild and Cowglenn, 8th November 1549.

139. In Dei Nomine, Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Incarnacionis Dominice millesimo quingentesimo quadragesimo nono, indictione nona, die vero octauo mensis Nouembris, pontificatus sanctissimi in Christo patris ac domini nostri, domini Pauli diuina prouidentia pape tertii anno decimo sexto: In mei notarii publici et testium infrascriptorum presentia personaliter constitutus honorabilis vir, Willielmus Fleming de Barruchan, vicecomes deputatus in hac parte nobilis et potentis domini, Willielmi Domini de Sympile vicecomitis principalis de Renfrew, habens in suis manibus quoddam sasine preceptum supreme domine nostre Regine, pergameno scriptum suoque sigillo albo inclusum, vicecomiti et balliuis suis de Renfrew directum, quodquidem preceptum idem vicecomes deputatus mihi

notario publico infrascripto perlegendum et publicandum tradidit; cuius tenor sequitur sub hac forma: Maria Dei gracia Regina Scotorum, vicecomiti et balliuis suis de Renfrew, salutem: Quia per inquisitionem de mandato nostro per vos factam, et ad capellam nostram retornatam, compertum est quod quondam Joannes Maxwel de Cowglen, pater Jacobi Maxwel latoris presentium, obiit vltimo vestitus et sasitus ut de feodo ad pacem et fidem nostram, in bello de Pinkecleuch, de octo mercatis cum dimedia mercata terrarum de Pottartoun, Dickonisbank, et Hilfeild antiqui extentus eum pertinentiis; necnon de vigenti solidatis terrarum de Cowglennis antiqui extentus cum pertinentiis, occupatis per Willelmum Awchinlos; necnon de vigenti solidatis terrarum de Cowglennis eiusdem extentus cum pertinentiis, occupatis per Alexandrum Aschindour; item de octodecim solidatis earundem terrarum eiusdem extentus cum pertinentiis, occupatis per Willelmum Glen; necnon de duabus solidatis terrarum de Cowglennis noui extentus occupatis per Willelmum Glen; ac eciam de octodecim denariatis earundem terrarum eiusdem extentus, occupatis per Joannem Neilsoun; cum tenentibus, tenandriis et libere tenentium seruiciis earundem, jacentibus infra baroniam de Renfrew et balliam vestram; et quod dictus Jacobus est legittimus et propinquior heres eiusdem quondam Joannis sui patris de dictis terris cum pertinentiis; et quod est legitime etatis vigore aeti initi in dicto bello; et quod de nobis tanquam senesealla Scotie tenentur in capite. Vobis precipimus et mandamus quatenus prefato Jacobo vel suo certo aetornato, latori presentium, sasinam predictarum terrarum cum pertinentiis juste haberi faciatis et sine dilatione, saluo jure cuiuslibet; capiendo securitatem de lxxxvii libris viii solidis decim denariis de fermis dictarum terrarum existentium in manibus nostris tanquam senesealle predicte, per spacium duorum annorum vltimo elapsorum, sasina non recuperata, et de xliii libris xiii solidis quinque denariis de reliuio earundem, nobis tanquam senescalle prediete debitis, et hoc nullo modo omittatis; presentibus post proximum terminum minime valituris: teste meipsa, apud Edinburgh, xxvi° mensis Octobris, anno regni nostri septimo. Post cuiusquidem precepti perlectionem et publicationem dictus vicecomes deputatus, reuerentia quam decuit, ex mandato dicti preecpti vigoreque sui officii, accessit ad octo mercatas eum dimedia mercata terrarum de Pottartoun, Dickonisbank, et Hilfeild, cum pertinentiis, antiqui extentus supradietarum, contigue adiacentium ut supra jacentium, et ibidem

statum et sasinam hereditariam, necnon realem, actualem et corporalem possessionem earundem terrarum cum pertinentiis prefato Jacobo Maxwel, per terre et lapidis donationem ut moris est, tradidit et deliberauit. Quo facto, dictus vicecomes deputatus accessit ad omnes et singulas suprascriptas terras de Cowglennis contigue adjacentes occupatas ut supra, et ibidem statum et sasinam hereditariam, necnon realem, actualem et corporalem possessionem earundem terrarum, cum omnibus suis annexis et connexis cum pertinentiis prescriptis, Jacobo Maxwel, secundum formam et tenorem preinserti precepti, per terre et lapidis traditionem ut usus est, dedit pariterque deliberavit, saluo jure cuiuslibet. Super quibus omnibus et singulis premissis prefatus Jacobus singillatim a me notario publico subscripto inde sibi fieri petiit instrumentum vel instrumenta. Acta erant hec super fundum dictarum terrarum, horam circiter secundam post meridiem, sub anno, die, mense, indictione, pontificatu quibus supra; presentibus ibidem discretis viris, Patricio Fleming filio et herede apparenti dicti Willielmi Fleming, Roberto Maxwel de Bulros, Dauid Maxwel eius fratre, et Alexandro Aschindour, testibus ad premissa audienda vocatis pariterque rogatis.

Et ego Joannes Vans, clericus Glasguensis diocesis, sacra auctoritate apostolica notarius publicus, quia etc.

Retour of Elizabeth Maxwell, as heiress of her great-grandfather, Sir John Maxwell of Pollok, in the lands of Nether Pollok, 27th March 1550.

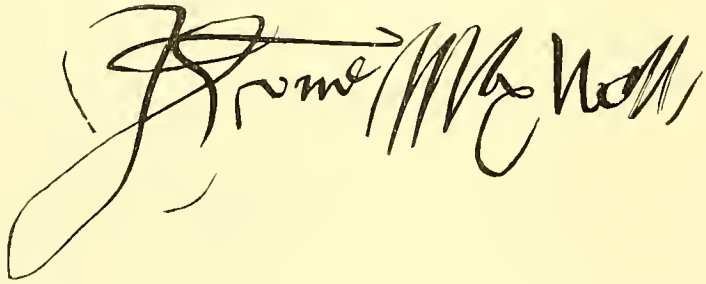
140. Hec inquisitio facta fuit in pretorio burgi de Hammiltoun, coram honorabili viro Johanne Robertoun de Ernok, vicecomite deputato de Lanark, vicesimo septimo die mensis Marcii, anno Domini millesimo quingentesimo quinquagesimo, per hos probos et fideles subscriptos, magno sacramento interueniente, juratos; videlicet, Robertum Dalliell de eodem, Johannem Maxwell de Calderwod, Johannem Stewart de Mynto, Alexandrum Ballie de Carphin, Thomam Weir de Blakwod, Matheum Hammiltoun de Torrens, Davidum Crawfurde de Fermes, Johannem Hammiltoun de Poddersburne, Archibaldum Hammiltoun Camerarium Glasguensem, Johannem Dalliell in Kype, Thomam Hammiltoun burgensem de Hammiltoun, Magistrum Johannem Fowllartoun de Dregarne, Johannem Wallace de Meynfurd, Robertum Hammiltoun in Torrens, et Alanum Fayrre balliuum de Rutherglen: Qui jurati dicunt quod quondam Johannes

Maxwell de Nether Pollok, proauus Elizabeth Maxwell latricis presentium, obiit ad fidem et pacem quondam supremi domini nostri Regis Jacobi Quarti, cuius anime propieietur Deus ; et quod dicta Elizabeth est legitima et propinquior heres eiusdem quondam Johannis Maxwell de Nethir Pollok, proaui sui ; et quod est legitime etatis. In cuius rei testimonium sigilla quorundam eorum qui dicte inquisitioni intererant faciende, sub inclusione sigilli dicti Johannis Robertoun vicecomitis deputati, breui regio incluso, huic inquisitioni sunt appensa, anno, die, mense et loco quibus supraseriptis.

Hee est vera copia principalis retornatus super premissis remanentis in cancellaria supreme domine nostre Regine, copiata et collationata per me Willelmum Ogill, deputatum Directoris eiusdem, sub meis signo et subscriptione mannalibus. W. Ogill.

Precept by Sir John Maxwell of Terregles, knight, to the tenants of the Mernys to raise letters against the Lairds of Nether and Over Pollok, for holding double baillie courts, 6th May 1553.

141. Johne Maxvell, Johne Law, Johne Rynkyn, Johne Vilsone, and the rist of the haill tennentis and inhabitaris of the Mernys, I command and chargis zow, and ilk ane of zow, that ze, be zour selffis, or zour procuratouris in zour names, pas to Maister James McGill, Maister Daue Borthik, or Maister Johne Spens, and eaus thaim rais letters in zour names aganis the lardis of Nedir Pollok and Ewir Pollok, for the trublance done to zow in haldin of doubill baillie courtis, and rais the letteres apone my expenis ; and quhon thai ar rasit that byde at the samyn, and on na wyis rènunce thaim, vnder the pane of tynsale of zour malingis quha dois in the contrarie heirof. Be this my vritting gevin and subscriuit with my hand, at Drumfris, the vj of Maij 1553.



RETOUR of JOHN MAXWELL, son of George Maxwell of Cowglen, as heir to him, 28th March 1556.

142. Hec inquisitio faeta fuit coram honorabili viro Roberto Sympill magistro de eodem, vicecomite deputato de Renfrew, in pretorio eiusdem, vieesimo octauo die mensis Marcii, anno Domini millesimo quingentesimo quinquagesimo sexto, per hos probos et fideles homines subscriptos; videlicet, Hugonem Cunynghame de Watterstoun, magistrum Johannem Porterfeild de eodem, Johannem Maxwell de Calderwod, Willelmum Wallaee de Johnestoun, Johannem Cochren de eodem, Thomam Sprewle de Coldown, Wilelmum Sympille de Cathcart, Ninianum Merschell de Pennell, magistrum Jacobum Wallace in Elrislic, Wilelmum Lyndesay in Syde, Johannem Walkinsehaw de eodem, Dauid Montgomery de Scottistoun, et Georgium Govane de Manis: Qui iurati dicunt quod quondam Georgius Maxwell de Cowglen, pater Johannis Maxwell latoris presentium, obiit ad pacem et fidem quondam bone memorie, supremi domini nostri Regis Jaeobi Scotorum quinti, cuius anime propicietur Deus; et quod dictus Johannes Maxwell est legittimus et propinquior heres eiusdem quondam Georgii sui patris: In cuius rei testimonium sigillum dicti vicecomitis deputati, vnacum sigillis quorundam eorum qui dicte inquisitioni intererant faciende, presentibus clausis est affixum, breui regio incluso, anno, die, loco supraseriptis.

Hec est vera copia principalis retornatus etc.

RETOUR of JOHN MAXWELL of Calderwod, as heir to Robert Maxwell of Calderwod, his father, in the lands of Littil Drippis, 18th March 1558.

143. Hec inquisitio faeta fuit in pretorio burgi de Hammiltoun, coram honorabili viro Johanne Robertoun de Ernok, vicecomite deputato de Lanark, decimo octauo die mensis Marcii, anno Domini millesimo quingentesimo quinquagesimo octauo, per hos probos et fideles homines subscriptos, magno sacramento interueniente iuratos; videlicet, Andream Hammiltoun de Gosslutoun, militem, Andream Hammiltoun de Lathame, Johannem Quhitefurde de eodem, Andream Hammiltoun de Ardoch, Gawinum Maxwell juniorem de Auchinheid, Magistrum Jaeobum Hammiltoun in Peill, Robertum Hammiltoun in Torrens,

Arthurum Hammiltoun seniorem in Mirretoun, Robertum Park de Gilbertfeild, Robertum Hammiltoun in Gairring, Alanum Hammiltoun in Mochlinghoill, Willelmum Millar in Blantyre, Alanum Hammiltoun in Bogtoun, Alexandrum Hammiltoun in Heleis, et Quintinum Hammiltoun burgensem de Hammiltoun : Qui iurati dicunt quod quondam Robertus Maxwell de Calderwod, pater Johannis Maxwell de Calderwod latoris presentium, obiit vltimo vestitus et sasitus ut de feodo ad fidem et pacem quondam supremi Domini nostri Jacobi quinti Scotorum Regis bone memorie, cuius anime propieietur Deus, de totis et integris quinque mareatis terrarum antiqui extentus de Litill Drippis, cum pertinentiis, iacentibus in baronia de Kilmawris, per annexationem, et infra vicecomitatum de Lanark ; et quod predictus Johannes est legitimus et propinquior heres eiusdem quondam Roberti patris sui de predictis terris eum pertinentiis ; et quod est legitime etatis ; et quod prediete terre valent nunc per annum viginti mareas vsualis monete regni Seotie ; et quod valuerunt tempore pacis quinque marcas eiusdem monete ; et quod tenentur in capite de nobili et potenti domino Alexandro comite de Glencarne, domino de Kilmawris, heredibus et successoribus suis ; reddendo inde annuatim dieto domino, heredibus vel successoribus suis, vnum denarium vsualis monete regni Seotie, super solo dictarum terrarum in festo Penthecostes, nomine albe firme, si petatur tantum ; acetiam pro annuo redditu summam quadraginta solidorum vsualis monete predicte annuatim soluendam ad duos anni terminos, festa videlieet, Penthecostes et Sancti Martini in hieme, per equales portiones, capellano ecclesie Sancti Quintigerni, vocate Litill Sanet Mongous, extra torrentem de Molendinor ; et dicunt quod predicte terre cum pertinentiis nune existunt in manibus dicti Alexandri, tanquam in manibus domini superioris earundem, et sic fuerunt per spacium quadraginta dierum vltime elapsorum, vel eacirca, ob deeessum quondam Jonete Cunynghame, domine de Balquhannane, domine liberetenementi eiusdem, in defeetu veri heredis ius suum hucusque minime prosequentis. In cuius rei testimonium sigilla quorundam eorum qui diete inquisitioni intererant sub inclusione sigilli dicti Johannis Robertoun viceeomitis deputati predicti, brevi regio ineluso, huie inquisitioni sunt appensa, anno, die, mense et loeo supradietis.

Hee est vera eopia principalis retornatus ete.

RETOUR of JOHN MAXWELL as heir to his father, William Maxwell of Carnevedrik, 28th June 1560.

144. Hec inquisitio facta fuit in pretorio burgi de Hammyltoun, coram honorabili viro, Johanne Hammyltoun de Stanehous vicecomite deputato de Lanark, vigesimo octauo die mensis Junii, anno Domini millesimo quingentesimo sexagesimo, per hos probos et fideles homines subscriptos, magno sacramento interueniente juratos; videlicet, Alexandrum Baillie de Carphin, Robertum Dalzell de eodem, Wilelmum Cunynghame de Capringtoun, juniorem, Johannem Robertoun de Ernok, Johannem Mure de Aultounburne, Jacobum Baillie juniorem de Carphin, Andream Hammyltoun de Goslingtoun, militem, Arthurum Hammyltoun seniorem in Meretoun, Jacobum Auchinlek de Tuedy, Robertum Hammyltoun de Torrence, Jacobum Hammyltoun in Peill, Gawinum Maxwell de Achinheid, Thomam Hammyltoun burgensem de Hammyltoun, Jacobum Mureheid juniorem de Lauchope, et Thomam Mureheid in Lawchope: Qui jurati dicunt quod quondam Willielmus Maxwell de Carnevedrik, pater Johannis Maxwell latoris presentium, obiit vltimo vestitus et sasitus vt de feodo ad pacem et fidem quondam bone memorie Jacobi quinti Scotorum regis vltime defuncti; et quod dictus Johannes Maxwell est legitimus et propinquior heres eiusdem quondam Willielmi patris sui; et quod est legitime etatis. In cuius rei testimonium sigilla quorundam eorum qui dicte inquisitioni intererant, vnacum sigillo dicti Johannis Hammyltoun de Stanehous vicecomitis deputati antedicti, breui regio incluso, huic inquisitioni sunt appensa, anno, die, mense et loco supradictis.

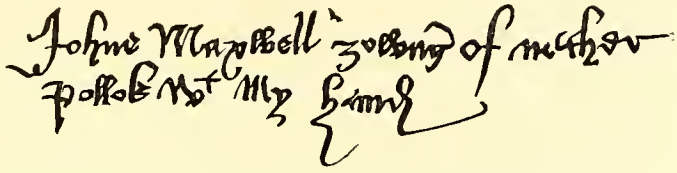
Hec est vera copia principalis retornatus etc.

TACK by JOHN MAXWELL younger of Pollok, to WALTER ANDERSON, of land in Meikle Govane, 12th January 1562.

145. At Neddir Pollok, the xij day of Januar, the zeir of God i^{m} v^{c} and sextie twa zeiris: It is appoynteit, aggreit, and finallie endit betuex honorable personis, thay ar to say, ane honorable man, Johne Maxvell, sone and appeirand airc to

Johne Maxvell of Neddir Pollok, vpone that ane part, and Waltir Androsoun in Mekile Govane, vpone the wthir part, in maner following: Forsamekile as the saidis Johne Maxvell, haifand in rentale the sex schilling thre penny land lyand in Mekle Govane, hes set the samyn reidit to the saidis Waltir, his entre thairto to be and begyn at the day and dait heirof, and thaireftir till induir quhill the feist of Mertimes nixt to cum, as the saidis sex schilling thre penny land lyis in lynth and breid, with all proffitteis, and commoditeis, and reychtus pertineyng thairto; payand heirfoir, the saidis Waltir to the saidis Johne Maxvell, ten firlottis meile, ane boll beir, betuex Zuile and Candilmes, as vse is of paying of fermes togiddir with all maner of maillis, dewiteis, and dew seruiee auchtand of the saidis vj schilling thre penny land, to my Lord of Glesgw or his chalmyrlaneis; and gif it hapnis that the saidis Johne Maxvell eawsis nocht warne the saidis Waltir fra the saidis sex schilling thre penny land befoir the feist and terme of Mertimes nixt to cum, in that cais the saidis Waltir sall brwik the saidis sex schilling thre penny land quhill Mertimes nixt thaireftir; and swafurth fra Mertimes to Mertimes, ay and quhill he be laueh-fullie warnit befoir ane Mertimes to remufe, payand zeirlie to my Lord of Glesgw or his chalmyrlaneis all maner of maillis, dewteis, and dew seruiee, and to the saidis Johne Maxvell ten firlottis meile, ane boll beir, zeirlie as said is: and be ressoun the feist and terme of Mertimes is nocht the terme at quhilk possessouris sould be remufit fra thair landis and possessions commownelye, neuertheles the saidis Waltir, be vertu of this contraet, admittis the saidis feist of Mertimes to be terme lauchfull to him to remuf fra the saidis sex schilling thre penny land, he beand warneit, renuneeand all exeeptioun that he may oppone aganis the samyn: And the saidis Johne Maxvell is bwndin and oblist to warrand the saidis sex schilling thre penny land to the saidis Waltir during the termis quhilk he hapnis to bruik the samyn; and be ressoun the saidis Johne Maxvell hes delyuerit to the saidis Waltir the sowme of five merkis to by seid aittis, quhairof he grantis him to haif ressaueit, and dis-chargis the saidis Johne Maxvell thairof be thir presentis; quhilk sowme of five merkis the saidis Waltir is bwndin and oblist to redelyuer agane to the saidis Johne at his leving of the saidis landis eftir his warnyng. In witnes of the quhilk, the saidis Johne hes subscrivit thir presentis with his hand, and be the notar wnderwrittin, at the eommand of the saidis Waltir, beeaws he

could nocht writ him self, day, zeir, and place foirsaidis, befoir thir witnes Androw Tempiltowne and Dauid Zowng, with wthir diuers.



Ita est, vt premittitur, Villelmius Hegait, notarius publicus, de mandato ipsius Valteri, ipso scribere nesciente.

TACK by THOMAS BROWN, to THOMAS HUCHISON, of a house, etc., in the Trongate of Glasgow, 19th June 1564.

146. Be it kend till all men be thir present letters, me Thomas Brovne in Wyndycge, and Merione Bogill my spous, to haif sett and in assedationc lattyn, and, be thir presentis settis, and in assedationc lattis to my weilbelovittis, Thomas Huchison and Helene Harbertson, his spous, and the langar levar of thame tuay, thare airis and assignais, all and hale my baksyde, with hous, clos, and zard, liand in the Tronegaitt of Glasgu on the north syde of the gait, betuix the landis of William Trumbull on the west, and the landis of Williame Lowthiane on the eist, the landis of Henry Burell on the north, and the landis of Williame Wynzett on the south; with fre ische and entre thairto at the foirhous pertenyng to me, the said Thomas Brovne, heritabillie, for all the days, termis and space of thre zeris, and thairefter for vther thre zeris, and sua furth, fra thre zeris in thre zeris, during all the days, zeris and space of auchtene zeris nixt and immediatlie following thair entre thairto; quhilk entre wes at the last feist of Witsonday in the zere of God i^{m} v^{c} thre score foure zeris; and thairefter to be peceabillie brukit, joysit, hantit, and inhabit be the saidis Thomas and Helene, thare airis and assignais during the said space of auchtene zeris but ony stop, impediment or agane callyng: Payand thairfore zerlie fifty schilling, in this manere; videlicet, fifty schillingis in hand for the first zere, and thairefter, fifty schillingis at Mertymes, ay for the zere nixt to cum, during

the saidis auchtene zeris, except the hyndmest zere, quhilk is instantlie payt; and the said Thomas Huchison oblissis him to hald the said hous lokfast and wattirfast during the saidis auchtene zeris; and gif it happinnis the said Thomas Huchison to big the said hous and mak thaim better at his ische nor he fand thame now instantlie, be sicht of foure honest nychtbouris, the said Thomas Brovne and the said Merion oblissis him, his airis and assignais, to recompens the sammyne, sua that the said Thomas Huchison mak na expensis thairon aboue tuenty pundis. And I, forsuith, the said Thomas Brovne, oblissis me, my airis, executouris and assignais to warrand, acquete, and defend this my present tak and assedatione to the saidis Thomas Huchison and his spous, thair airis and assignais, duryng the saidis auchtene zeris, in all and be all, as said is, contrare all deidlie; and thairto byndis all and hale my gudis movable and inmovable, present and to cum, and speciallie my sax schilling land of Wyndycge, and my titill thairof, liand within the barony of Glasgu. In witnes heirof, I haif causit the notare vnderwrittin to subscriue thir presentis in my name, my hand tuichand the pen, becaus I culd nocht wryte my self; and the said Thomas Huchisone hes subscriuit thir presentis with his hand, for his part, at Glasgu the nyntene day of Juny, the zere of God, i^{m} v^{c} thre score foure zeris, before thir witnes, Schir Johne Knox, Johne Eluyn, burges of Glasgu, and Johne Scot in Wester Daildowe.

I Thomas Brovne with my hand at the pen, led be the notar vnderwrittin. Ita est Thomas Knox, notarius publicus, de mandato dicti Thome, scribere nescientis, manu propria.

Thomas Huchison, wyth my hand.

Gift by King James vi., of the escheat of Sir John Maxwell of Pollok, to Alexander Earl of Glencarne, 10th August 1568.

147. James be the grace of God King of Scottis, to all and sindrie oure liegis and subdittis quhome it effeiris, quhais knawlege thir oure letters sal cum, greting: Wit ze ws, with awise of oure derrest vncle and regent, James Erle of Murray, Lord Abirnethie, etc., to haue gevin and grantit, and be thir oure letters gevis

and grantis to oure ryeht traist eousing, Alexander Erle of Glencarne, Lord Kilmawris, etc., his airis and assignais, the eschete of all guidis movabill and vnmovabill, dettis, takis, steidingis, rowmes, possessionis, aetis, contraetis, obligaeionis, sowmes of money, jowellis, interes and actionis, gold, siluer cunzeit and vncunzeit, and all vthiris guidis and geir quhatsumeuir, quhilkis pertenit to Johnne Maxwell of Nethir Pollok, and now pertening to ws and beeum in oure handis be ressoun of esehete, throw the said Johnnis being ordourlie denuneit oure rebell and put to oure horne, fugitive fra our lawis, or conuiet for his tressonabill cuming in plane battell with displayit banaris aganis ws and oure said derrest regent, vpoun the feildis of Langsyid, the xiij day of Maii, the zeir of God i^m v^c lxviij zeiris, in eumpany with Archibald Erle of Ergile, Claud Hammiltoun, and vthiris thair eompliees, tratouris conspiritt to depose ws of oure authoritie royall, and to that effectt persewand and invadand in plane battell oure said regent and derrest vnele and vthiris of oure nobilitie and seereit counsall of oure realme being for the tyme in the toun of Glasgw at the airis, in ministratioun of iustiee, and throw his airt and pairt of the crewell slauchter of vmquhile James Ballany in Prestoun, James Dalgleische, Johnne Cuthbert, Suddartis, and Williame Purves, seruitour to Alexander Hume of Manderstoun, quha was slane at the said feild : To be haldin and to be had the esehete, guidis movabill and vnmovabill abouewrittin, and proffittis thairof, to oure said eousing, his airis and assignais, with all and sindrie commoditeis, fredomes, proffittis and richtious pertinentis quhatsumeuir pertening or richtiouslie may pertene thairto : with power to oure said richt traist cousing, his airis and assignais foirsaidis, to intromet and tak vp the saidis esehete guidis, geir, dettis, interess, aetionis and vthiris aboueexpremit, at thair awin handis, and to dispoun thairupoun at thair plesoure, and to oecupy the saidis takis, rowmes, and steidingis with thair awin guidis, or to set the samin to tennentis, as thai sall think maist expedient during all the tyme thairof ; and with all and sindrie vthiris eommoditeis and fredomes, frelie, quietlie, weile, and in peaee, but ony reuoeatioun or aganeealling quhatsumeuir : Quhairfore we eharge straitlie and eommandis zow, all and sindrie oure liegis and subdittis foirsaidis, that nane of zow tak vpoun hand to mak ony impediment, latt, or distrublanee to oure said cousing, his airis and assignais in the peeeabill brouking, joising, vptaking, intrometting, and disponing vpoun the esehete

guidis, movabill and vnmovabill aboue speeifijt, and proffittis thairof, eftir the forme and tennour of thir oure letters vnder all hieast pane and charge that eftir may follow. Gevin vnder oure privie seill, at Edinburcht, the tent day of August, the zeir of God i^{m} v^{c} thre scoir aucht zeiris, and of our regnne the secund zeir.

Per signaturam manu dicti Domini Regentis subscriptam.

LETTERS under the Signet for enforeing the Gift to the EARL OF GLENCAIRNE, of the escheat of JOHN MAXWELL of Pollok, 27th August [1568.]

148. James be the grace of God King of Scottis, to oure louittis, Jhone M'Kupyne, , messingeris, oure shireffis in that parte, coniunctlie and seueralie specialie constitute, greting: Forsamekle as it is humlie menit and schewin to ws be oure traist cousing and counsalour, Alexander Erle of Glencarne, Lord Kilmawris, etc., that quhair he hes obtenit be oure gift to him, his airis and assignais ane or ma, the esehete of all and sindry the gudis movabill and vnmovabill, dettis, takkis, stedingis, rowmes, possessionis, actis, contractis, obligationis, sowmes of money, jowallis, materis, and actionis, gold, siluer cunzeit and vncunzeit, and vtheris gudis and geir quhatsumeuir, quhilkis pertenit to Johnne Maxwell of Nethir Pollok, and now pertening to ws, and becumin in oure handis be reasoun of eschete throw being of the said Johnne denunceit oure rebell, and put to oure horne in default of finding of souerte to vnderly oure lawis for arte and part of the crewale slauehteris of vmquhile James Balanye in Prestoun, James Dowglus, suddart, and Williame Purwes, seruitour to Alexander Home of Manderstoun, committit at the Langsyde, within oure shirefdome of Renfrow, vpoun the xiij day of Maij lastbipast, as at mair lenth is contenit in oure vtheris letters of gift maid and gevin to oure said cousing vndir oure priue sele thairupoun: Quhairthrow the haill coirnis, eattell, insycht, and vtheris eschete gudis foirsadis pertenis, and aueht and suld pertene, to oure said cousing be virtew of his said gift: Quhowbeit, in veritie he can on nawayis be ansuerit and obeyit thairof without thir oure letters and our autorite haid therto, as is allegit: Oure will is heirfoir, and we charge zou straitlie, and commandis that incontinent thir oure letters sene ze pas, and in oure name and autorite serche and seik the haill coirnis, cattell, insycht,

and vtheris gudis, geir, and quhatsumeuir foirsaidis pertening to the said Johnne Maxwell, our rebell foirsaid, and being in his possessioun, quhaireuir the samin ean be apprehendit; and vptak, ressave, intromet with, and inbring the samin to oure said eousing, and mak him be ansuerit and obeyit thairof as oure donatour foirsaid, eonforme to our said gift in all pointis, as ze will ansuer to ws thairupoun: The quhilk to do we eommitt to zow eoniunetlie and seueralie oure full power, be thir oure letters, deliuering thame be zou dewlie exeeute, and indorsat agane to the berare: Gevin vndir oure signet, at Edinbureht, the xxvij day of August, and of oure regnne the seeund zeir.

Ex deliberatione dominorum eonsilij ete.

J. Bannatyne.

Pass by Alexander Earl of Glencarn to Sir John Maxwell of Pollok, 6th September 1568.

149. We, Allexander Erle of Glenearne, Lieutenent of our Souerane Lord, grantis ws to haif gewin, and be the tenour of thir presentis, gewis and grantis leif and lieenee to Jhone Maxwell of Nether Pollok, knyght, to pas and repas fra the town of Dunbertane to our plaee of Kilmarannok, to talk and aders his busenes wyth ws; and that we sell warrand salf and aequyet the said Jhone and his seruandis for ws and ouris, or ony vtheris appertening to my lord Regent, harmles and skaythles, induring the spaee of xlviij houris efter his departing fra ws and euming to ws. In witnes heirof we haif subserywit thir presentis, at Kylmarannok, the saxt day of September 1568. And at he be heir the sewint day of September instant, afore none.

Alex^r. Erll of Glencarn.

Precept of Remission by King James vi. to John Maxwell of Pollok, for appearing against him at the battle of Langsyd, 9th September 1568.

150. Jacobus Dei gratia Rex Seotorum, Caneellario nostro, salutem. Quia eum auisamento et eonsensu eharissimi nostri auuneuli et regentis, Jaeobi eomitis Morauie Domini Abirnethie, remisimus Johanni Maxwell de Pollok raneorem animi nostri, seetam regiam et omnem aetionem quem et quas erga ipsum eoneepimus,

habemus seu quouismodo haberc poterimus, pro ipsius proditorio aduentu contra nos ac dictum nostrum charissimum regentem, aperto bello, vexillis dilatatis, in comitiua eum Archibaldo comite Argadie, Claudio Hammiltoun, suisque complicibus, in campo de Langsyid, decimo tertio die mensis Maij vltimo elapsi, ac pro arte et parte crudelis interfectionis quondam Jacobi Ballany in Prestoun et aliorum dicto bello occisorum, ac pro omnibus actione et crimine quc desuper sequi aut dicto Johanni inde imputari poterunt, necnon pro omnibus aliis actionibus, transgressionibus, criminibus et offensis quibuscunque ab ipso commissis, ante diem date presentium, proditoria traditione in nostram propriam personam et dicti nostri charissimi regentis duntaxat exceptis: Vobis precipimus et mandamus quatenus literas nostras remissionis sub nostro magno sigillo in forma capelle nostre debita dicto Johanni super premissis fieri faciatis. Datum sub secreto sigillo nostro, apud Edinburcht, nono die mensis Septembris, anno Domini millesimo quingentesimo sexagesimo octauo, et regni nostri anno secundo.

License to John Maxwell of Pollok, knight, and his tenants, to remain at home from any convocation and raids for one month, 20th November 1568.

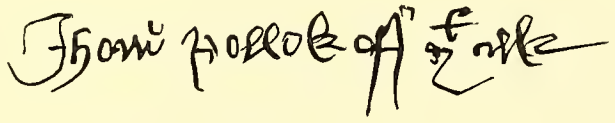
151. We, Alexander Erle of Glencarne, lieutenent to the kingis maiestie in the west partis, be the tennour heirof gevis and grantis our full licence and power, for diuers ressonabile caussis moving ws, to our louit Johne Maxwell of Neddir Pollok, knycht, and his tenentes, to remanc at hame within thair awin boundis fra ony convocatione and raidis, gif ony happinnis to be, and that for the space of ane moneth nixt following the dait heirof; with our full licence to the said Johne and his seruandis to pas and repas, withowt ony molestatioun or trubile, within the boundis of our licutenendry induring the spacc foirsaid: Be this our writting subscriuit with our hand at Kochnoch, the xx day of Novembre the zeir of God i^{m} v^{c} three seoir awcht zeiris, befoir thir witnesses, Alexander Cunynghame of Aiket, George Campbell of Stenstoun, zongar, Adam Cunynghame of Achinharuie, Harie Kirkpatrik, and Johne Howeie, with wtheris diuerss.

Alex. Erll of Glencarn.

Assurance by John Pollok of that Ilk to John Maxwell of Pollok, not to molest him in law "for quhatsumeuir eaus or occasioun bigane," 29th June 1570.

Apud Glasgow, xxix die mensis Junij, anno Domini j^{m} v^{c} sexagesimo decimo.

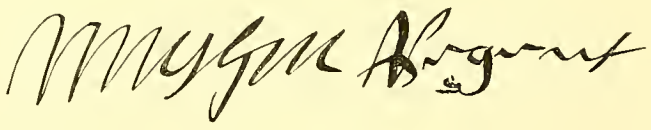
152. The quhilk day, in presence of Mathow Erll of Levenax, Lord Dernlie, etc., Lieutenent Generall to our Souerane Lord, Johnne Pollok of Over Pollok for him self, and takand the burding vpoun him for his brethir, kin, freindis, men, tenentis, and seruandis, assurit, and, be the tennour heirof, specialie assuris Johnne Maxwell of Nethir Pollok, his kin, freindis, men, tenentis, and seruandis, to be vnhurt, vnharmit, molestit, troublit, or in ony wayis persewit in the law or by the law in tyme euming, for quhatsumeuir caus or occasioun bigane, preceding the dait heirof, vnto the first day of August nixtocum, quhilk the said Johnne Pollok promittit to keip vnviolat in ony sort, vnder the pane of periurie, infamy, and tinsall of perpetuall trewth, honour, and fidelitie in tyme euming, be thir presentis, subscriuit with his hand as followis, day, zeir, and place foirsaidis.



Precept by James vi., subscribed by Mathew Earl of Lennox, Regent, to stay proceedings against the tenants of Sir John Maxwell of Pollok for appearing against the King at the field of Langsyde, 24th January 1570.

153. James be the grace of God King of Scottis, to oure louittis, Johne Maxwell in Kowglen, oure shereffis in that pairt, coniunctlie and seueralie, specialie constitute, greting: Forsamekile as we and oure dearest gudschir, Matheu Erle of Levinax, Lord Dernley, etc., oure lauchfull tutour and Regent to ws, oure realme, and liegis, ar informit that Johne Stewart of Mynto, knycht, as Justice Depute to ws of the cietie and baronie of Glasgw, hes direct furth his precept, and thairwith hes causit charge Andro Scheillis in Titwod,

Johne Scheillis thair, Robert Craig thair, Dauid Philp eldar in Pollok Scheillis, Johne Scheillis thair, Williame Scheillis thair, Andro Wallace thair, and Andro Wallace in Haggis, tennentis to oure louitt, Johne Maxwell of Pollok, to find souirtie that thai sall compeir befoir the said Justice Depute the secund day of Februar nixt to cum, to vnderly the law, in ane court to be haldin be him in the castell of Glasgw, for thair cuming in cumpany with Archibald Erle of Argile, Claude Hammyltoun, and vtheris thair complices, aganis ws and oure autoritie at the feild of Langsyde, vpoun ye xiij day of Maij, in the zeir of God M. v^{c} lxviij zeirs, and than intendis to proceid aganis thame for the samyn: Howbeit in veritie it is not oure will and mynd that the saidis personis, or ony of thame, sal be callit or persewit for the said cryme: Oure will is heirfoir, and with avyis of oure said regent, we charge zow straitlie, and commandis that incontinent thir our letters sene ze pass, and in oure name and autoritie command and charge the said Schir Johne Stewart of Mynto, knycht, oure Justice Depute foresaid, to desist and ceiss fra all calling or proceiding agains the saidis personis, or ony of thame, or ony vtheris the said Johne Maxwellis tennentis or seruandis, the said day or ony vther dayis to be appointtit be him for the said cryme, and fra all vnlawing of thair souirties for thair noncomperance, to that effect dischargeing him thairof and of his office in that part be thir oure letters subscriuit be oure said tutour and regent, and vnder oure signet: At Edinburgh the xxiiij day of Januar, and of our regne the ferd zeir, 1570.



Notarial Instrument taken upon the Regent Arran's letters discharging the Justice Depute of Glasgow from molesting the tenants of Sir John Maxwell of Pollok, on account of their appearing against the King at the field of Langsyde, 2d February 1570.

154. In Dei nomine Amen: Per hoc presens publicum instrumentum cunctis patcat euidenter et sit notum quod anno Dominice Incarnacionis millesimo quingentesimo septuagesimo, die vero mensis Februarij secundo, anno vero regnj

supremi domini nostri Regis Jacobi quarto, etc., in presens of me, notar publiet and witnes vndervrittin, personallie comperit ane honorabile man, Johnne Maxvell in Kowglennis, schireff in that part speciallie contenit in our souerane Lordis letters, and in the presens of ane noble man, Johnne Stewart of Mynto, knycht, in the castell hall of Glasgw, eftir the fensing of ane court of Justiciare to be haldin thair be the said Schir Johnne Stewart, Justice Depute of the citie and regalite of Glasgw, be ane commissioun direct to him be our soueranis Maiestie, wyth the avise and consent of his darrest guidschir, Mathow Erle of Levinax, Lord Darnlie, etc., for the calling and persewing, befoir the said Justice Depute, be his avin preecpt and charge, of Andro Schcillis in Titwod, Johnne Schcillis thair, Robert Craig thair, Andro Vallace in Haggis, Dauid Philp, eldar in Pollok Scheillis, Johnne Scheillis thair, Villiam Scheillis thair, Andro Vallace thair, tenentis to ane noble man, Schir Johnne Maxvell of Nethir Pollok, knycht, to vnderly the lawis afoir the said Justice Depute this instant day, for thair cuming in cumpane wyth Archibald Erle of Argile, Claude Hammiltoun, and vtheris thair compliees, aganis our said soueranis Maiestie, at the feild of Langsyde, apone the threttein day of Maii, in the zeir of God a thousand v.c thre scoir auht zeris; and thairthrow the said Johnne Maxvell in Kowglennis, schireff foirsaid, produeit our said soueranis letters, vnder his graee Hienes signet, and subscriptioun of his said Regent grace, be vertew of the quhilk, he, in plane audienee of the said court, inhibite, dischargit the said Schir Johnne Stewart of Mynto, knycht; als commandit and chargit him, Justice Depute foirsaid, be vertew of the saidis letters, to decist and ceis fra all ferther calling or proceeding aganis the said tenentis, or ony of thame, or ony vtheris tenentis or seruandis of the said Schir Johnne Maxvell of Nether Pollok, knycht, the said day, or ony vthir day or dais to be appointit be him, for the said cryme, and fra all vnlawing of Johnne Zongar and Niniane Andersone, thair souerteis, for thair non comperanee, and dischargit the said Justice Depute thairof, and of his office in that part, eftir the forme and tenour of the saidis letters; and protestit that the saidis souerteis sould be heirefter relevit and disassentit fra ony ferther or vtheris continuationis of the saidis tenentis or thair saidis souirteis, for the caussis foirsaidis in tyme cuming, conforme to the tenour of the saidis letters in all pointis. De et super quibus premissis, dictus Johannes Maxvell in Kowglennis a me notario publico sub-

seripto sibi fieri petiit hoe presens publieum instrumentum et instrumenta publiea, vnum et plura : Aeta erant hee in palatio castri Glasguensis, in magna aula eiusdem, hora vndeeima ante meridiem vel eireiter ; presentibus ibidem honorabilibus viris, Dauide Limdsay de Kittoksyde, magistro Johanne Hall, magistro Adamo Stewart, Miehaele Bard, et magistro Dauide Wilsoun, testibus ad premissa voeatis.

Et ego Georgius Brovnside, elerieus Glasguensis eiuitatis, publieus aueto-ritate apostoliea notarius, ae etiam vigore Aeti Parliamenti per dominos eonsilii admissus, quia premissis ete.

Retour of Thomas Colquhoun as heir to his mother, Margaret Conighame, reliet of John Colquhoun of Lus, in an annual rent from the lands of the Manis, 3d April 1574.

155. Hee inquisitio faeta fuit eoram honorabili viro Cuthberto Symepile de Auehinbothie, vieeeomite deputato vieeeomitatus de Renfrow in euria eiusdem tenta in pretorio Pasleti tertio mensis Aprylis, anno Domini ete., lxxiiij, per hos probos et fide dignos homines patrie subseriptos, videlicet, Joannem Maxwell juniorem dominum de Netthirpollok, Gauinum Maxwell de Akinheid, Joannem M[ont-] gumrie de Seottistoun, Robertum Hammyltoun de Newhous, Gabrielem Symepile juniorem de Cartthart, Joannem Maxwell de Auldhous, Willelmum Maxwell de Newlandis, Joannem Maxwell in Kowglen, Bartholomeum Montgumrie in Seottistoun, Georgium Gouane de Manis, Joannem Pirrie burgensem Pasleti, Thomam Inglis, Ninianum Symepile et Walterum Coueherane eonburgenses de Pasleto, et Robertum Mortoune in Bornehill : Qui jurati dieunt quod quondam Domina Margareta Cónighame relieta quondam Joannis Colquhoune de Lus militis, mater Thome Colquhoune latoris presentium, obiit vltima vestita et sasita ad paeem et fidem supremi domini nostri Regis, Jaeobi sexti, in toto et integro vno annuo redditu xxiiij bollarum farrine auenatiee suffieientis annuatim leuando et pereipiendo, inter festa Natiuitatis Domini et purifieationis beate Marie virginis, de totis et integris quinque libratis terrarum antiqui extentus de lie Manis jaeentium infra dominium de Darnelie et vieeeomitatum de Renfrow ; et quod dietus Thomas Colquhoune est legittimus et propinquior heres diete Domine Margarete sue matris de dieto annuo redditu eum pertinentiis ; et

quod est legittime etatis; et quod dictus annuus redditus cum pertinentiis valet nunc per annum xxiiij bollas farrine auenatice; et similiter valebat tempore pacis; et quod dictus annuus redditus cum pertinentiis tenetur nunc in capite de Charolo comite de Lennox ac domino Darnelic, pro solutione vnius denarij annuatim ad festum penthecostes, nomine albe firme, si petatur tantum; et quod fuit in manibus dicti Charoli comitis de Levenax tanquam Domini de Darnelie vtpote in manibus superioris eiusdem per decessum prefate Domine Margarete Conighame per spatium sex mensium vltimo elapsorum, ratione non introitus, in defectu dicti Thome Colquhoun jus suum hucvsque minime prosequentis: In cuius rei testimonium sigilla quorundam eorum qui inquisicioni intercrant, sunt appensa cum sigillo vicecomitis de Renfrew, breue intus clauso.

JOANNES MAXWELL, scriba.

PROCURATORY by HEW THIRD EARL OF EGLINTOUN to ARCHIBALD CRAWFURD and WILLIAM HEGAIT, to receive £1000 from SIR JOHN MAXWELL of Pollok, 19th February 1574.

156. Be it kend till all men be thir present letters, me, Hew Erle of Eglintoun, Lord Mungumrye, to haif maid, constitut, and ordaneit my traist seruitouris, thay ar to say, Maistir Archibald Crawfurd, persoune of Eglissem, Williame Hegait, burges of Glesgw, and ilk ane of thame coniunctlie and seuerallie, my procuratouris, actouris, and factouris, committand to thame, and ony of thame, my full powar to ressaue fra ane honorabile man, Johne Maxvell of Neddirpollok, knycht, the sowme of ane thowsand pundis money, for the alienatioune and wedsetinge of certane my landis lyand in my baronye of Eglissem; and vpone thair ressait ane acquitance to gif, quhilk I ratefie be thir presentis, and appruvis the sammyn to be als sufficient as my awin, with powar to my saidis procuratouris, or ony of thame, to do quhat I mycht do in propir persoune, firme and stabile. In witnes of the quhilk, I haif subscriueit this my procuratorie with my hand, at Glasgw, the xix of Februar, the zeir of God j^{m} v^{c} thre scoir and fourtene zeiris, befoir thir witnes, James Law, gouldesmyth, George Burell, Williame Hegait, burgess of Glesgw, and George Maxvell, sone to the said Johnne Maxvell of Neddirpollok.

EGLYNTOUN.

DISCHARGE by the Procurators of HEW THIRD EARL OF EGLINTOUNE to SIR JOHN MAXWELL of Pollok for £1000, 21st February 1574.

157. We, Maistir Archibald Crawfurde, persoune of Eglissem, and Williame Hegait, burges of Glesgw, procuratouris to ane nobile and potent lord, Hew Erle of Eglintoune, Lord Mwngumrie, grantis ws to haif ressaucit, in nayme and behalf of the saidis Hew Erle of Eglintoune, fra Johnne Maxvell in Kowglenes, and Johnne Maxvell in Auldehows, in nayme and behalf of ane reycht honorabile man, Johnne Maxvell of Nedder Pollok, knycht, the sowme of ane thowsande pundis money, for the alienatioune and wedsettinge of the saidis Erlis landis of Bonytoune, Fluris, and wtheris his landis, eontenit in ane contraete endit betuex the saidis Erle, vpone the anc pairt, the saidis Johnne Maxvell, for hym self, Patrik and Robert Maxvellis, his soneis, vpone the wthir pairt, of the dait, at Glesgw and Neddirpollok respectiue, the xix day of Februar, the zeir of God i^m. v^c. threscoir and fourteyne zeiris; quhilk sowme we deliuerit to James Ros in nayme of the saidis Erle, to be deliuerit to the Erle of Cassillis. Off the quhilk sowme of ane thowsande pundis, in nayme of the saidis Erle, we grant and hald ws weile eontent and thankfullie payit, and in nayme of the said Erle exoneris the said Johnne Maxvell of Neddirpollok thairof, his airis, executouris, and assignayis, for euyr; and als hes deliuerit to the saidis Johnne a powar and procuratiounc committit to ws to ressaue the saidis sowme. In witnes of the quhilk, we haif subscriueit this our acquittance and discharge, subscriueit with our handis at Glesgw, the xxi day of Februar, the zeir of God i^m. v^c. thre scoir and fourtenc zeiris, befoir thir witnes, Maister Thomas Archibald, persoune of Cardros, Mr. Robert Harbesoune, persoune of Aire, James Rois in Mayboyle, and Thomas Nasmyth, seruitour to my Lord Erle of Cassillis, with wtheris diuers.

WILLIAME HEGAIT, with my hand.

Thomas Archibald, persoune of Cardross, witnes.
Mr. Robert Herbertsoun, vitness.
James Ros, witnes.
Thomas Nesmythe, witnes.
Johnne Maxwell in Kowglan, wetniss.

I grant the ressait of this sovm, quhilk imediatlye was deliuerit, at my

Lord of Cassillis' command, to James Ros, seruand to my Ledy of Cassillis, and wther wyis nocht intromettyt with me nor zit said William Hecheđ.

Mr. Archibald Craufurd, persoun of Egilshem, with my hand.

Depositions of Gavin Maxwell of Auchenheid and others, upon the Inventory of the airship goods of Sir John Maxwell of Pollok, c. 1578.

158. Depositio testium domini Pollok militis, contra Elizabeth dominam Pollok et Willelmum Maxwell executores quondam Johannis Maxwell domini Pollok militis sui patris, etc.

Gawaine Maxwell of Auchinheid sworne and admittit, mareit, lvi zeiris or thairbye, deponis that he saw vmquhyle Johnne Maxwell of Nethir Pollok haif ane goldin cheinzie the space of xxxii zeris bigane or thairbye : Knawis nocht the wecht nor availl thairof, nor knawis nocht gif he had the same the tyme of his deceis or nocht : Knawis na braslettis of gold libellit. Saw the defunct haif ane Portingaill ducatt, ane rois nobile, ane Harie nobile an dowbile ducatt, ane angell nobile, ane crossett ducatt, ane demye, ane crowne of the sone, ane vnicorne halff crowne, half vnicorne, ane pistolatt crowne, ane fyif actyoun croune, the space of xxx zeiris syne ; bot knawis nocht quhat he had the tyme of his deceis. Knawis the laird and ladie had ane cros of gold and ane cros of siluer, bot knawis nocht to quhome thay pertenit, nor quha had thame the tyme of his deceis. Knawis nocht the massie pece of siluir libellit ; knawis he had ane pistolatt with twa roches : Knawis he had ane twa handit sworde : Knawis nocht gif he had the same the tyme of his deceis. Knawis he had ane but and ane a handit sworde : Knawis nocht ane targatt of gold libellit. Knawis ane steil bonet. Knawis nocht gif he had the samen the tyme of his deceis. Knawis he had ane marekin skin to it, ane Lyouns canues dowblatt, ane pair of blak Flemyng hois, ane blak cloik, ane gowne of grayis, ane ryiding cloik of grayis, ane wylie coit : Knawis nocht quhat he had thairof the tyme of his deceis. Knawis he had sarkis and naipkins, and knawis nocht the quantaties : Knawis he had ane hors and haill furnaissing : Knawis nocht gif he had the same the tyme of his deceis. Knawis ane jak, ane pair of plait slevis, ane belt, ane quhinger, ane purs, ane pair of gluifis, ane pair of buttis, sokis,

spurris. Knawis nocht gif he had the same the tyme of his deceis: Knawis nocht the sokis of velvett: Knawis ane stand of Dornik with ane covir, xii dornik seruiettis, ane breid claith, ii dornik towallis, an fine bunkour for coviring of ane buird, ane buird claith of lynnyng, with xii seruiattis of lynnyng, and ane breid claith with twa hundir drying towellis. Knawis nocht gif he had the same the tyme of his deceis. Ane Bybill in Inglis, ane cadday, and ane matt. Knawis nocht the doun bed. Knawis lynnyng, scheittis, bowstar, coddis, wairis, blankettis, coveringis, ane arres work, ane fine stand of grein curtingis, ane fine reignne of gold, quhilk reignne he saw the lady haif vpone hir fyngar sen his deceis. Ane siluir saltfatt, ane dosane of siluir spvnis, ane siluir masar our-gilt: Knawis nocht ane siluir pece: Knawis twa siluir tassis Sanct Mawnis [*i.e.*, Magnus] scull, ane drynking glas, and tanquard, ane pote, ane tyn pynt, ane tin quart, and tin gaird, ane basin, and ane lawar. Knawis he had mony pewdir veschall, quantiteis and availlis knawis nocht. Knawis ane greit tin flacoun, and ane choppin flacoun, ane tin wattir pott, ane lang met burde, ane chyre, ane countour, ane kist, ane Flandirs coffir, twa chandlars, and copburde of tymbir, ane langsattill had certane cuisschingis, ane greit garnell in the chaipell, ane ark, ane steill box, ane wther box, ane fine stand bed, ane langsatill bed, ane irne chimnay, ane hart horne, ane trein budzell, ane mekile brasin pott, ane mekile pane, ane pair of rakis, speit, tangis, and ladill, ane brasin mortar, ane dressing knyff, ane hewing ax, ane dressing buird, ane brew caldroun, ane mask fatt, ane gylefatt, ane laid galloun, tummaill, and wonill dische. Had certane barrellis, ane irne cruik, ane frying pane, ane roisting irne, certane tubbis, ane window claith clayth, certane sokis, ane pair of irne boyis, ane borrell, ane wymmill, ane girdill, ane baikbuird, ii pair pott bowllis: Knawis nocht ane barkit hyid. Knawis ane spounge, twa drawin oxin, with pleuich and pleuich graith, harrowis and harrow graith, carris and car graith, ane speir, ane gadding staff, ane trowell, ane mattok, spaid, and schuill, ane irne grape, ane pair of ois: Knawis nocht s ittis, nor baik stwill. Knawis ane pair of woll cammes, ane pair of cardis, ane spinning quheill. Knawis nocht gif he had all the same the tyme of his deceis.

James Stewart of Cardonald, lxvi zeiris, mareit, deponis: The laird of Pollok had ane cheinzie, the tyme of his deceis, of vi vnse wecht or thairbye, quhilk the said James resauit in wadsett fra the defunct the space of xxxvi

zeiris syne, or thairbye, vpone the sowme of xx lib. Knawis na forder of cheinzeis: Knawis na braissillettis nor gold in speciall: Confessis he saw ane saltfatt and spvnis with ane siluir maiser gilt, ane siluir tas: Knawis nocht the pece, and quhiddir he had the same the tyme of his deceis, he knawis nocht, nor zitt the rest of the libell. Memorandum. James Stewart confessis and deponis, the time of the lard of Pollok defunctis buriall day that he had in Nether Pollok, and saw presentit to the tabill ane pece of siluir, and gilt maiser, and salt fatt, with mony spvnis.

John Maxwell of Auldhous, marcit, l. zeris or thairbye: witnes sworne and admittit; deponis, conforme to Gawane Maxwell of Auchinheid, anent the goldin cheinzie, and saw na braislettis nor speciall gold libellit, bott hard saye he had siclyik: Knawis na cros of gold nor siluir, nor massie pece of siluir. Knawis ane pistolatt with three or twa roches. Confessis viii siluir spunis, ane silvir pece, and twa tassis. And forder, in all the rest he is conforme to Gawane Maxwell of Auchinheid, and knawis (nocht) gif the samen wes in his possession the tyme of the Lairdis deceis.

George Govane in Manis, l. zeiris, marcit, deponis, the lard of Pollok had twa goldin cheinzeis, ane thatt he gatt fra my Ladie Angus, ane wther fra Capitane James Stewart of Cardonald, and ane of thame he hard the defunct say weit fouretene crownis of the sone: Knawis na braissillettis of gold: Hard say he had sic: Knawis he had ane Portingaill ducatt, and had the same in his hand, and said he gatt the same in an new zeir gift fra my Ladie Angus, and in vthir [thingis deponis conforme to Gawane Maxwell of] Auchinheid in that and all wthir thingis: knawis nocht gif he had the same the tyme of his deceis.

Johnne Kyng, myllar at Schaw Mylne, marcit, lxvi zeiris of age, deponis; he saw the defunct haif ane goldin cheinzie the space of xxviii zeris syne: Knawis nocht gold cunzeit nor siluir: Knawis na braislettis, targatt, nor cros of gold, nor massie pece of siluir. In the rest, conforme to the Laird of Auchinheid, Johnne Maxwell and George Govane *in omnibus:* Knawis nocht quhat the defunct had the tyme of his deceis.

Johnne Fergussoun in Polloktoun, marcit, lxii zeiris of age, deponis conforme to the Laird of Auchinheid and John Maxwell *in omnibus,* and knawis nocht quhat he had the tyme of his deceis.

Johnne Burne in Poloktoun, xl zeiris, marcit; confessis and deponis he

saw the defunct weir cheinzie about his craig, the space of xx zeiris syne. Confessis he had of the defunctis in keiping, bot knawis nocht the quantitie nor cunzie. Knawis na braislettis nor targatt, and knawis bot viii siluir spvnis. *In reliquis, conformis est Georgio Govane,* etc.

John Hall serieand, mareit, lx zeiris, *conformis est prioribus,* confessis bot viii spvnis.

Williame Jaksoun in Polloktoun, mareit, l. zeiris, deponis ; he knawis thair wes ane goldin cheinzie amangis thame, and belevis it wes the ladies : Confessis viii siluir spunis. *In reliquis conformis est prioribus,* and knawis nocht quhat he had the tyme of his deceis.

James Dunlop in Polloktoun, mareit, xl zeiris, deponis ; he saw the defunct haif ane goldin cheinzie in his awin box, the space of xviii zeiris syne, and knawis the auld Laird and defunct had ane pair of braislettis, and belevis the zoung Laird hes the same presentlie : Knawis nocht the cunzeit gold in speciall targatt, cors of gold or siluir, or massie pece of siluir, and is conforme to the Laird of Auchinheid in the rest : nor knawis nocht quhat he had the tyme of his deceis.

Extractum de libro curie vicecomitatus de Renfrew, per me, Joannem Maxwell, notarium, ac ciusdem curie scribam, sub meis signo et subscriptione manualibus.

[Indorsed by Sir George Maxwell of Pollok : "Depositions upon the inventar of the aireship goods of Sir John Maxwell, father to Sir John that was killed in the south, and anent two gold chaines."]

Charter by Hugh Wallace of Carnell to William Maxuell, brother of Sir John Maxuell of Pollok, of an annualrent of twenty merks from the lands of Quhytleis, 8th June 1583.

159. Omnibus hanc cartam visuris vel audituris, Hugo Wallace de Carnell, salutem in Domino sempiternam. Noueritis me vendidisse, tituloque pure venditionis alienasse, et hac presenti carta mea confirmasse, necnon vendere, tituloque pure venditionis alienare, et hac presenti carta mea confirmare, dilecto meo Villelmo Maxuel fratri germano Joannis Maxuell de Nethir Pollok, militis, heredibus

suis et assignatis quibuscunque, totum et integrum vnum annuum redditum viginti merearum vsualis monete regni Scotie annuatim exeundum, leuandum et pereipiendum de totis et integris meis quadraginta solidatis terrarum antiqui extentus de Quhytleis, jacentium in parrochia de Stewartoun balliuatu de Conynghame et infra vicecomitatum de Aire : Et hoc pro certis pecuniarum summis mihi per prefatum Villelmum gratanter et integre persolutis, de quibus teneo me bene contentum, plaeatum et solutum, dictumque Villelmum heredes suos et assignatos, pro me, heredibus meis et assignatis, de eisdem exonero imperpetuum presentis carte mee per tenorem : Tenendum et habendum totum et integrum preseriptum annuum redditum viginti merearum monete annuatim exeundum, leuandum et percipiendum de dictis quadraginta solidatis terrarum antiqui extentus de Quyhteleis cum pertinentiis, dicto Villelmo Maxuell heredibus suis et assignatis, de me et heredibus meis in feodo et hereditate imperpetuum, cum libero introitu et exitu ad dictas terras, pro dicto annuo redditu pereipiendo et leuando annuatim et terminatim vt premissum est, ac eum omnimoda potestate et faeultate dicto Villelmo et heredibus suis et assignatis quibuscunque, dictas terras aut aliquam earundem partem, colonos et inhabitatores earundem ac eorum bona pro dicto annuo redditu easu non solutionis eiusdem propriis eorum manibus seu aliter, prout eis magis expediens visum erit, namandi et distringendi, namas appreciandi et abdueendi, libere, quiete, et adeo libere, sicuti aliquis annuus redditus infra regnum Scotie de quocunque per quemcunque tenetur, possidetur, leuatur seu pereipitur, teneri, possideri, leuari seu pereipi poterit in futurum, sine aliquo impedimento, reuocatione, contradictione aut obstaculo aliquali : Reddendo inde annuatim dictus Villelmus heredes sui et assignati, mihi et heredibus meis et assignatis, vnum denarium vsualis monete regni Scotie, super solo prefatarum terrarum in festo Pentheostes in nomine albefirme, si petatur, tanquam pro omni alio onere, exactione, questione, demanda seu seruitio seculari, que de predicto annuo redditu per quoscunque iuste exigi poterit quomodolibet vel requiri : Et ego vero prefatus Hugo Wallace de Carnell, heredes mei et assignati, totum et integrum dictum annuum redditum, neenon dictas terras sic quod dictus annuus redditus de eisdem pereipi et leuari poterit, ab omnibus vardis, releuiis, nonintroitibus, dominarum tertiis, coniunctis infeodationibus, eschetis, forisfaeturis, recognitionibus publicis seu priuatis saisinis, et ab omnibus aliis periculis et impedi-

mentis quibuscunque, in omnibus et per omnia, forma pariter et effectu, vt premissum est, contra omnes mortales varantizabimus, acquietabimus et imperpetuum defendemus. Insuper dilectis meis Joanni Steynstoune et eorum cuilibet coniunctim et diuisim balliuis meis in hac parte specialiter constitutis, salutem: Vobis precipio et firmiter mando, quatenus visis presentibus, indilate statum et saisinam hereditariam, necnon realem, actualem et corporalem possessionem totius et integri prefati annui redditus viginti mercarum monete annuatim exeundi, leuandi et percipiendi de dictis meis quadraginta solidatis terrarum de Quhytleis antiqui extentus ad terminos preseriptos, dicto Villelmo Maxuell, heredibus suis et assignatis quibuscunque, secundum vim, formam, tenorem et effectum suprascripte carte mee quam de me inde habet, juste deliberetis et haberi faciatis et sine dilatione, per denarii traditionem vt moris est; et hoc nullo modo omittatis: Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim balliuis meis in hac parte antedictis, meam plenariam et irreuocabilem tenore presentium committo potestatem. In cuius rei testimonium huic presenti carte mee manu mea subscripte, sigillum meum est appensum, apud Glasgw, die octauo mensis Junii, anno Domini millesimo quingentesimo octuagesimo tertio; coram hiis testibus, Patricio Maxuell fratre germano dicti Willelmi, Roberto Lettrik nuncio, Joanne Watsoun in Glasgw, et Jacobo Woddrop notario, cum diuersis aliis.

Hew Wallace of Carnell.

Declaration by Mr. David Wemyss, minister of Glasgow, and others, in the case of Elizabeth Jak, who had been ravished by Niniane Stewart, 26th October 1584.

160. Be it kend to all men to quhais knavledge thir presentis sall cum, and in speciall to our Souerane Lordis Maiestie, his secreit counsall and remanent ministeris of justice within this realme: Forasmekile as aeording to the law of God, Christiane cheritie requyris all the faithfull to testifie the treuth, and speciallie quhair the suppressing thairof may hurt the innocent, we vnderwrittin testifeis, in the actioun and eaus betwix Ninian Stewart, sone to Capitane James, Elizabeth Jak, quha was ravischit by the [said] Niniane and his complices, Mr. Thomas Jak and Euphame Wylie, parentis to the said Elizabeth,

that vpon the xix day of Oetober last bypast, eftir the said Elizabeth was set at libertie, and brocht to hir fatheris hous, we convenit in the Colledge hall, with sindrie vther gentilmen of the cuntrey, at the desyir of the said Niniane and his father, and travelit to sie gif we euld perswade the said Elizabeth, with the eonsent of her parentis, to mary the said Niniane; and perswadit her father, gif his doehter wald eonsent to mary the said Niniane, he sould not be far against the sam. Vpon the quhilk motive, ane pairt of ws, be mutuall eonsent of parteis, war send to the said Mr. Thomas' hous, quhair the said Elizabeth remanit, and vsit suche kynd of perswasive reasonis as was possible, to move hir to consent to the said Ninianis petition; quha on na wayis wald consent thairto. Thaireftir, supponing the said Niniane mieht perswad hir mare nor we, we eausit the said Niniane and Elizabeth to enter in the ehalmer of dais at the Colledge hall end, quhair the saidis Niniane and Elizabeth eonferrit be the spaee of ane quartour houre and mare; and in end, quhen the said Elizabeth eom in all our presens, scho affirmit that seho wald nevir mary the said Niniane, if thair war na mo men in the warld to be gottin, seing he had laborit sa far as in him lay to dishonour hir, and to put so soir trubill to hir parentis hartis, as he had done. Eftir quhais refusall, the said Ninian being stomaehit and angrie, brustit furth with sum hard wordis aganis the said Elizabethis father, avouing in all our presens that he suld have his lyf; quhairwith we war offendit. And thir thingis to be of treuth, in forme as is writtin, we affirme be thir our hand writtis: At Glasgw, the xxvi of Oetober 1584.

Mr. David Wemyss, minister of Glasgw.
Alexander Cunyghame, zownar of Clonbytht.
William Cunyngham.
Mr. Patrik Scharp.

Charter by John Maxvel of Pollok, knight, with eonsent of Margaret Cunynghame, his spouse, to his brother, Walter Maxvel, of an annualrent from the lands of Nethir Cowglen, 16th November 1586.

161. Omnibus hane cartam visuris vel audituris Johannes Maxvel de Nethirpollok miles, et Domina Margareta Cunynghame mea sponsa, salutem in Domino sempiternam: Noueritis nos vnanimi eonsensu et assensu vendidisse, tituloque

pure venditionis alienasse, et hae presenti carta nostra confirmasse, necnon vendere tituloque pure venditionis alienare, et hae presenti carta nostra confirmare dilecto meo fratri Magistro Valtero Maxvel, heredibus suis et assignatis hereditarie, totum et integrum vnum annuum redditum viginti librarum vsualis monete Regni Scotie annuatim exeundum et leuandum ad duos anni terminos, festa videlicet pentheeostis et Sancti Martini in hyeme per equales portiones, de totis et integris tribus libratis terrarum antiqui extentus de Nethireowglen seu de quaeunque parte earundem jacentium in paroehia de Eistwode infra vieeeomitatum de Renfrew, nunc occupatis per Thomam Glen et Allanum Glen fratres ; et hoc pro certa quadam pecunie summa mihi per prefatum Magistrum Valterum gratanter et integre persoluta, de qua quidem summa teneo me bene contentum, placatum, et integre persolutum, dietumque Magistrum Valterum, heredes suos et assignatos, pro me heredibus meis et assignatis, de eadem exonero et quieteclamo imperpetuum presentis carte mee per tenorem : Tenendum et habendum totum et integrum predictum annuum redditum viginti librarum vsualis monete prediete annuatim exeundum et leuandum de dietis totis et integris tribus libratis terrarum antiqui extentus de Netherkowglen seu de quaeunque parte earundem, jacentium vt premissum est, dicto Magistro Valtero, heredibus suis et assignatis hereditarie, de me heredibus meis et assignatis hereditarie imperpetuum, eum libero introitu et exitu ad dietas [terras] pro dieto annuo redditu percipiendo et leuando, et easu non solutionis dietas terras aut aliquam earundem partem colonos ac inhabitatores earundem, ac eorum bona namandi distringendi, namas abdueendi et appreciandi, abductas et appreciatas propriis suis vsibus applicandi per se et suos proprios officiarios, sine vllo juris strepitu aut citationis premonitione prehabita, libere, quiete, et adeo libere sicuti aliquis annuus redditus infra Regnum Scotie de quocunque per quemcunque tenetur, possidetur, percipitur, seu leuatur, teneri, possideri, percipi, seu leuari poterit, sine aliquo impedimento, reuocatione, aut contradictione quaeunque : Reddendo inde annuatim dictus Magister Valterus, heredes sui et assignati, mihi heredibus meis et assignatis, vnum denarium vsualis monete regni Scotie super solo prefatarum terrarum, in festo penthecostis, nomine albe firme si petatur tantum, pro omni alio onere, exactione, questione, demanda seu seruicio seculari que de predicto annuo redditu per quoscunque iuste exigi poterit quomodolibet vel requiri : Et ego vero prefatus Johannes, heredes mei et assignati,

totum et integrum preseriptum annuum redditum viginti librarum annuatim exeundum de dictis tribus libratis terrarum de Nethirkowglen seu aliqua earundem parte jacentium vt premissum est, ad jam dictos anni terminos et per dictas equales portiones, neenon dictas terras, sic quod dictus annus redditus de eisdem pereipi et leuari poterit, dicto Magistro Valtero, heredibus suis assignatis ab omnibus vardis, ... in omnibus et per omnia, forma pariter et effectu vt premissum est, contra omnes mortales varrantizabimus aequietabimus, ae imperpetuum defendemus: Quocirea dilectis meis Patricio Maxvell meo fratri et eorum euilibet, balliuis meis in hae [parte] speeialiter constitutis salutem; vobis et vestrum euilibet striete precipio et firmiter mando, quatenus visis presentibus, indilate statum et sasinam hereditariam, neenon realem aetualem et eorporalem possessionem totius et integri prefati annui redditus viginti librarum vsualis monete regni Seotie annuatim exeundi et leuandi ad duos anni terminos, festa videlieet pentheeostis et Saneti Martini in hyeme per equales portiones, de totis et integris tribus libratis terrarum antiqui extentus de Nethireowglen seu de quaeunque parte earundem, jacentium vt premissum est, dieto Magistro Valtero, heredibus suis et assignatis vel suo certo aetornato latori presentium, per terre et lapidis ae denarii traditionem vt moris est, iuxta et seeundum vim formam et effeetum supraseripte earte mee iuste deliberetis et haberi faeiatis, et sine delatione; et hoe nullo modo omittatis; ad quod faeiendum vobis et vestrum euilibet eoniunetim et diuisim meam plenariam et irreuoeabilem tenore presentium eommitto potestatem: In euius rei testimonium huie presenti earte mee manu mea ae manu diete Domine Margarete mee sponse, in signum sui eonsensus ad premissa subscripte, sigillum meum proprium armorum est appensum, apud Haggis, die deeimo sexto mensis Nouembris, anno Domini millesimo quingentesimo octuagesimo sexto; eoram his testibus, Johanne Maxuel de Cowglen et Willelmo Steruiling seruo dieti Johanis, eum diuersis aliis.

Johne Maxuell of Netherpollok, knyt.

John Maxwall, not., wetnais.

Williame Stirling, witness.

Obligation by Robert Lord Sempill not to molest Sir John Maxwell of Pollok and his brothers, and their servants, on account of any quarrels, etc., "in ony tymes bygain," 23d April 1588.

162. I, Robert Lord Sempile, takand the burdene on me for my selff, kin, freindis, complices, and pairttakeris quhatsumeuir, be the tenour heiroff hes assuireit, and assuireis, Sir Johnne Maxwell of Pollok, knyeht, William, Patrik, Mr. Walter Maxwellis, brether to the said Sir Johnne, his and thair domestik seruandis quhatsumeuir, that thay and eueriane of thame, in speciall and in generall, salbe vnhurt, vnharmeit, and vnpersewit be way of deid, in thair bodyis or guidis, wtherwayes nor be ordour of law, be me, my foirsaidis, and all that I may let, vnto the first day of August nixtoeum, for quhatsumeuir eaus, occasioun, or trubles fallin furth and committit betuixt ws in ony tymes bygain; and this I promit to be obseruit, keippit, and fulfillit be me, and takand the burdene on me as said is, be my honour, lawtie, and fidelitie, as said is. In witnes quhairof I haue subscriuit thir presentis with my hand, at Paslay, the xxiii day of Apryll, the zeir of God i^{m} v^{c} four scoir aucht zeiris, befoir thir witnessis, Lord Claud Hammiltoun, Commendatour of the Abbay of Paslay, Johnne Hammiltoun of Alderstoune, John Craufurd, James Hammiltoune, apperant of Garan, and Maister Robert Kaa, seruitouris to the said noble Lord.

Obligation by John Lord Maxwell to answer to His Majesty for the conduct of his tenants and dependents, 5th August 1590.

Apud Edinburgh, quinto die mensis Augusti,
anno Domini i^{m} v^{c} lxxxx^{o}.

163. The quhilk day, in presence of the Kingis Maiestie and lordis of his Hienes

secrete counsale, comperit Johnne Lord Maxwell, as principall, and Sir Johnne Maxwell of Nethir Pollok, knycht, as cautioner and souritie for him, and actit and obleist thame selffis, coniunctlie and scueralie, that the said Lord Maxwell sall releive our souerane Lord and his wardanis for all attemptattis committit, or to be committit, be sic as he is obleist to ansuer for, be the lawes and generall band, and that he sall present thame to justice and satisfie parties skaithit, according to the act of parliament maid thairanent; and the said Lord Maxwell obleist him, his aires and successouris, to freith, releve, and keip his said cautionar harmeles and skaithles of his becuming cautioun, as said is, and of all pane and danger that he salhappin to sustene thairthrow. Extractum de libro actorum secreti consilii penes marciarum ordinem, per me Willelmum Wylie, scribam, sub meis signo et subscriptione manualibus.

WILLELMUS WYLIE.

TACK by JAMES HAMMILTOUN of Torrens, to MONGO ANDERSON, of the lands of Leclyok, parish of Blantyre, 8th January 1593.

164. Be it kend till all men be thir present letters, me James Hammiltoun of Torrens to haif enterrit, rentallit, receavit, and admitted, and be the tennour heirof, enterris, rentallis, receavis, and admittis Mongo Andersoun, son lauchful to Johnne Andersoun in Leclyok, kyndlie tennent to me in and to all and haill ane aucht schilling four penney worthe land of extent of my landis of Leclyok with the pertinentis, presentlie occupiit be the said Johnne Andersone, liand within the barony of Blantyir, perrochin of the samyn, and schirefdome of Lanark, for all the dayis, zeiris, termis, tyme and spaice of my lyftyme; and that be consent of the said Johnne Andersone, the [said] Mongo Andersone's entrie thairto presentlie: Payand thairfoir zeirlie, the said Mongo Andersone, to me, my airis, assignayis, factouris, and scruitouris, in my name, tuentie schillingis moneye, vsuall off this realme, of siluer maill, at tua termes in the zeir, Witsonday and Martymes in wyntir be equall portiones, tua hennis, and tua sufficient caponis, at Fasting-even zeirlie, and ane boll beir at Beltane zeirlie, with dew seruice vsit and wont alanerlie; provyding alwayis, that it sall nocht be leissum to the said Mongo to sett the saidis landis, nor na part thairof, to ony persoun or persones, but my liciance askit and obteanit thairto; and I the

said James Hammiltoun of Torrens grantis me presentlie to haiff receavit fra the handis of the said Mongo Andersone compleit payment and satisfactione of his entrie siluer for the making heirof; quhairof I hauld me weill payit, and exoneris, quitclames, and dischargeis him thairof for euir: and thairfoir, faithfullie byndis and oblissis me to warrand, acquiet, and defend this present rentall to the said Mongo Andersone, during the said spaice of my lyvtyme, in all and be all thingis, as is above expremit, for payment of the zeirlie dewtie, and dew seruice aboue named alanerlie, aganis all deidlie, lelilie and trewlie, but fraud or gyill. In witnes heirof, I haif subscryuit this present rentall with my hand as followis, at the Hall of Torrens, the aucht day of Januar, the zeir of God i^m. v^c four scoir thretteine zeiris; befoir thir witnessis, Robert Hammiltoun my sone, Johnne Crux in Crokket scheill, and Johnne Flemyng notar.

JAMES HAMMALTOUN of Torrans.

ROBERT HAMMILTOUN of Torrens-zonger, witnes.
JOHNNE FLEMYNG notar, as witnes.

LICENCE to SIR JOHN MAXWELL of Pollok and his servants, to remain at home from the army proceeding to the north of Scotland, 5th October 1594.

165. We vnderscryvand haveand power and commission of the King's Maiestie to the effect following, be thir presentis gevis and grauntis lycence to Sir Johne Maxwell of Nethir Pook, knycht, his houshald men, to remaine and abyde at haime fra his Maiestie's oist and armye appoyntit to convene and passe fordwart with his Maiestie to the north pairtis of this realme, for persute of his Hichnes' declarit traytouris and conspiratouris aganist the trewe relligione, withowt anne paine, crymc, skayth, or danger to be incurrit be the foirsaidis persones thairthrow, in thair persones, lands, giuds, or geir, notwithstainding quhatsumever actis, statutes, or proclamationes maid or to be maid in the contrair; quhairanent, and all paines contenit thairintill, we, in his Maiestie's name, dispensse, be thir presentis: Gevin vnder the signet, and subscryvit with our hand at Edinburghe, the fyft daie of October 1594.

BLANTYIR.

Compositio xl lib. CLERICUS REGISTRI.
NEUBOTLE.

INFORMATION by SIR HUGH CAMPBELL, FIRST LORD LOUDOUN, for obtaining a new grant from the King of his estates and honours after the death of his only son, c. 1615.

Informatioun for the mater ze watt off.

166. First, ze sall reeeave the eopie off the warrand quhilk wes sent to the eounsaill in my favour, be my Lord Duke's procurement, efter Entirkyn had bene at the King bezond Cairleill. The quhilk is reasonabill weill in all thingis quhill it eum to the hinder end, and to the last elaws thairoff; to wit, quhair it sayes alwayes that na honouris, dignities nor offiees be thairin resigned, etc., quhilk last elaus maid me that I euld noeht vse that warrand, and thairfoir haif formed ane new eopie of ane warrand quhilk wantis that last claus, and aggreis in the rest neir by with the eopie of the ald warrand, except in sum litill doutsum fraises and wordis quhilkis I haif maid mair plaine in this new eopie of warrand that I haif sent to zow, as ze will persaif be reiding and eonferring the eopie of the first warrand with the last.

Reasones quhairfoir the King suld nocht exeept my honouris, dignities, nor offiees, out of my resignatioun and new infeftment to be maid thairwpoun, as followis,—

First, beeaus this new infeftment that I eraife is to my self, and to the airis maill lauehfullie gottin or to be gottin of my awin bodie, quhilkis failzeing, to my nerrest airis maill quhatsumeuer, and sa, is noeht to ony partieular persoune as a tailzie, nor to na stranger, bot to my awin nerrest lauehfull airis maill, without nominatioun of ony, bot onlie the air maill that God appoyntis, and na man overloppin, nor dishereist, nor wrangit.

Seeundlie, incaise his Maiestie wald deall sa hardlie with me (quhilk I luke noeht for) as to refuse to lat my honouris and offiees be resigned, or contenid in my new infeftment, that I wald now haiff, and sa wald eompell me to tak the infeftment of my landis without my honouris and offiees; than it suld noeht onlie dismember my pure auld hous, quhilk sumtymes hes served his Maiestie honestlie and trewlie as his Hienes self can remember, gif he please, and deprive my lawfull airis of the sam, bot lykwayes these honouris and

offices suld pertene to the Laird of Cesnok and his airis, and that be reasoune of my resignatioun and lait infeftment obtenid be me within thir sax zeiris of my haill landis and offices be way of tailzie, in the quhilk the Laird of Cesnok is the first persone; and that part twiching the honouris and offices wald pas fra the richteous air maill to the Laird of Cesnok quhå is nether lawchfull nor richteous thairto; and the King suld nocht haif it to him self, bot his Maiestie suld pwtt it, as it war, fra the richteous air to thame that ar wnrichteous and wnlawfull, quhilk wer ane verie hard conscience to do.

Thridlie, it is my resolued purpois, be the grace of God, incase of want of airis maill of my awin bodie, to marie ane of my sones dochteris wpon the sone of my nerrest and lawfull air maill, and sa the nerrest and maist richteous bayth of the maill and femaill to brvke my landis.

Fourtlie, it wes the will of my sonne, quhen he departed this lyf, that this gentilman, my nerrest air maill, suld bruke our landis, failzeing airis maill of my awin bodie, as he declairit in the heiring of mony honest men and ministeris thair present for the tyme, quha will zit testifie the same.

Farder, incaise that this new infeftment to the richteous ayr beis refused, it will cast my hous in great confusioun and trubill, the samyn being devydit efter me in tua pairtis, the ane haifing richt to my offices and vther privilegeis, and the vther haifing richt to my landis and leving, and sa wilbe the ready way to enter all my freyndis and followeris in debait and blwde, neuer abill to be quenched agane; quhairas, the granting to this new infeftment to the lawchfull air will pacifie and sattill all menis myndis, and keip the cuntrie in peace and quyetnes.

Last off all, seing it hes pleased God to tak away my onlie sonne fra me, and thairby hes left me and my hous in great disolatioun, quhilk is the greatest croce that euer come to me in this wardill, all that fearis God, methink, suld pitie my estait and caise, and suld be loath to croce me and my hous, quhilk, be his death, is fallin in this miserie, quhilk war in effect to ad afflictioun to the afflicted, quhilk, I am weill assured, my gracious Souerane wilbe sorie to do, or to be moved wnto.

Account of Expenses of a journey from Edinburgh to London in the year 1621.

167. It is to be remembirit that I restit auchting zour Ladyschipe, at my compt making with zour Ladyschipe, in Edinburghe, vpon the vi of Marche 1621 zeiris, befoir the laird went to Lundone, twentie merkis, quhairof I deburssit, befoir zour Ladyschipe raid out of Edinburghe, for hors meit, eftir we had maid compt . . . . . 1 s.

Item mair, for the fyve boyis waiges ane nicht . . . xx s.
Item, for Mr. Johne's suipar and my awin, vpone the vii day xiii s. iiij d.
Item, to zour Ladyschipe to gif for sum sewing to Catrein Riddick xxiiij s.
Item, for twa pair of gloves to zour masterschip . . . xxiiij s.
Item, for ane powthir horn . . . . . iiij s.
Item, for my awin dinnar and suppar on the viii day . xiii s. iiij d.
Item, to Masie to by threid and nidillis . . . . ij s.
Item, to Halbertis woman, ... vj s.
Item, for ane scho to the gray haiknay . . . . vj s.
Item, for my awin dinnar vpon the ix day . . vj s. viij d.
Item, for our twa hors meitis, Settarday at nycht and Sonday morning, eftir the lady guid haim, ... xiiij s.
Item, to the stabillar boy, ... vj s.
Item, to Willie for thais twa dayis wadges . . . viij s.
Item, for ane pair of brasin pystollis . . . . xvj lb.
Item, for powthir and leid . . . . . vj s.
Item, for ane pokmantie . . . . . xlij s.
Item, to Willie to by schone and hois . . . . xxx s.
Item, for schoing of the lyart naig . . . . xx s.
Item, for ane curpall to the lyart naigis saidill . . . viij s.
Item, at our cuming out of Edinburghe to Dumfreis, vpon the ix of Marche, in Ingirstoune be the way for breid, cheis, and drink, and ane choping of seck . . . . . xij s.
Item, to ane fiddillar in Biggar . . . . . xij s.
Item, to Willie in Biggar quhan he guid away to Dumfreis . viij s.

Item, in Drumfreis, for ane ell of linning to mend the lairdis breiklyningis with . . . . . viij s.
Item, in Drumfreis, for sum peis to the hors, and stray to bed tham with, quhan thai eam in . . . . . x s.
Item, for sum nidills and threid . . . . . ij s.
For sum peper . . . . . ij s.
For ane lyttill box to put threid and nidills into . . . xij d.
For weshing of sum clais in Drumfreis . . . . . xij s.
Item, for ane postpilzen mending, ehalmiring and lagging of the saidill . . . . . xvj s.
Item, to Nan the lanirar . . . . . xxiiij s.
Item, to the servandis in Drumfreis . . vj lb. xiij s. iiij d.
Item, to the nureis thair . . . vj lb. xiij s. iiij d.
Item, at our cumming out of Drumfreis, vpon the xvij day of Marche, for sum meit and drink in Annan be the way . xxiij s.
Item, for sum aitis to the hors thair . . . . viij s.
Item, at our cumming to Cairill that nyeht, to the portar of the port, bicaus it was steikit, of Inglis money, bieaus I begin thair to compt in Inglis money, it being the first toune we eam to in Ingland . . . . . vj d.
Item, for zour masterschip, Robert Jokis, and my awin suppar thair . . . . . ij s.
For the futman his suppar . . . . . iiij d.
Item, for zour masterschip, Robert Jokis, James the barbour, and Johne Baldein, and my awin brekfast, bein fyve . iij s. iiij d.
Item, for six quartis Frensh wyne and ane of seck . . vij s.
For beir, ordinar and extraordinar . . . . ij s.
For Willie his brekfast and suppar . . . . viij d.
For hors meit thair . . . . . ij s.
Item, for ane quart of wyne and suekir that Craigie brocht in . xij d.
Item, to the servandis in the hous . . . . i s.
Item, to the ostillar . . . . . iiij d.
Item, at our eumming to the vodsyd out of Cairill, vpone the xviij of Marche for drink to the futman be the way . . ij d.

For zour masterschip, John Baldeinis, and my awin suppar thair . . i s. vi d.
Item, for our brekfastis . . . . . i s. vi d.
For beir thair . . . . . i s.
For the futman his suppar and dinnar . . . . i s.
For hors meit thair . . . . . ij s.
For sum rosisolus thair . . . . . iiij d.
Item, to the ostillar . . . . . iiij d.
Item, at our ganging to Bowis vpon the xix day, for drink to the futman be the way . . . . . iiij d.
For zour masterschip, Johne Baldein, and my awin suppar thair that nycht . . . . . i s. vi d.
For beir thair . . . . . ii s. iiij d.
For our thrie brekfastis on the xx day . . . i s. vi d.
To the servandis thair . . . . . vi d.
To the ostillar thair . . . . . iij d.
For thrie new schone to the gray haiknay thair . . . i s. vi d.
For meit to the futman, suppar and dinnar . . . i s.
Item, at our cumming to Caitrik that nycht—zour masterschip went wp to sie the stipill that nycht— to the belman . . vi d.
To the puir thair . . . . . ij d.
To ane fallow thair, to go seik ane hors to by . . . vi d.
For sum extraordinar beir zour masterschip drank thair . . i s.
To the servandis thair . . . . . i s.
For weshing sum cleis thair . . . . . vi d.
To ane auld man thair, that talkit to zour masterschip in the kirk-zaird . . . . . vi d.
For the spuris finding that Willie tint . . . . iiij d.
To the ostillar thair . . . . . iij d.
For twa new schone to the black hors . . . . i s.
To the puir at zour away cumming . . . . vi d.
Item, at zour cumming to Borrowbrigis, vpon the xxiij of Marche, for buttir and beir to the hors feit thair . . . iiij d.
To the ostillar thair . . . . . iiij d.
To the puir thair . . . . . iiij d.

For drink to the futman be the way . . . . ii d.
Item, at our cumming to Doneaster, vpon the xxiiij day of Marche, for ane hatt to Willie thair . . . . . iiij s.
For musik thair . . . . . i s. vi d.
Item, for strapping of zour buitis thair . . . . vi d.
Item, at our eumming out of Doncaster to Noteinghame, vpon the xxv of Marche, to ane man that lutte zour mastcrship sie the eastell and the hollis about the castell craig . . . i s.
For banding, plaiting, stuffing, and ehalmiring of zour saidill . i s.
For setting on ane seho on the lyart naig, and sum naillis . ij d.
To the puir thair . . . . . iiij d.
Item, at our cumming out of Noteinghame to Laister, vpon the xxvi day, to Willie, to by schone and gloves . . . ij s.
For sum girthing to the hors in Laistir . . . . vi d.
To ane fallow that sould haue gydit ws the way to Northamtoune, quhilk we sent bak again . . . . . vi d.
To the saidillar, to set to eurpall and posteilzen tagis to the lyttil saidill . . . . . iiii d.
Item, at our eumming out of Laistir to Northamtoune, vpon the xxvii day, for ane girth wob to the Lairdis hors . . ij d.
To the puir folkis thair . . . . . iiij d.
For ane pair of wowling hois to zour mastersehip . . iij s.
To the pure at zour louping on . . . . . iiij d.
Item, at our cumming out of Northamtoune to Dunstubill, vpon the xxviii day, for anc scho to the lyart naig be the way, and sum naillis . . . . . vi d.
Item, at our eumming to Lundone, vpon the xxix day of Marehc, for ane hatt and anc blak string to zour mastersehip . . xi s.
Mair, for ane quart of seek and sum tobacco, and anc pyp, with Mr. Alexander Maxwell in zour awin ehalmir . . . xij d.
Item, twa sindry tymes for tobaceo with Mr. Drummond . xij d.
For sum greis to the hors bakis . . . . . iiij d.
Item, vpon the vi of Apryll, to the wattirman bak and fordwart, quhan your mastership went to speik Sir Johne Hammiltoune . i s.

Mair, to the wattirman, the vij day, quhen zour mastership and Mr. Alexander went to court . . . . . vi d.
Mair, for ane brydill and ane bitt . . . . . ij s.
Mair, for ane pair of sterop airnis . . . . . i s.
For an lang buttoune to zour blak elok . . . . . i s.
For buttouning of zour gilt spuris that brak: zour mastership gaiff sax pens, and I gaif moir to mak it out . . . . ij d.
To Rob Erwein, to tak hame zour lettirs to Scotland . . . i s.
For sum breid to the hors in Lundone . . . . . vi d.
To Mr. Hayis man . . . . . ij s. vi d.
For ane scho to the gray haiknay . . . . . vi d.
Item, at zour going to Tibollis with the king, vpon the aucht of Apryll, for six peekis of aitis to the thrie hors thair at aucht pens a-peek . . . . . iiij s.
For hay to tham thair that nyeht . . . . . ij s.
To the ostillar thair . . . . . iij d.
For our bed thair . . . . . i s.
Item, to Tam Eger for thrie pair of gloves quhilk he boeht zour mastership . . . . . v s. vi d.
Item, for ane quart of seek at zour dinnar with Eyll, and Mr. Alexander befoir ze went to Tibollis . . . . . i s.
Item, at zour ganging to Tibollis that nycht, the xij of Apryll, for my bed and Willeis, twa nychtis . . . . . ij s.
Item, vpon the xvi of Apryll to Tam, the wattirman, to tak ws bak and fordwart to Tempillbar to speik Mr. Edger . . . i s.
Item, to Willie to by schone that day . . . . . i s. vi d.
Item, for zour stamp . . . . . v s. ix d.
Item, to the schomaker, to mak out ane compt of zour buttis and slipparis . . . . . iiii s.
For sum red wax . . . . . vi d.
Item, vpon the xviii day, at zour going to sie the stage play, zour self, Mr. Johne Marchell, Robert Fostir, and my self, to latt ws in, and for our saitis to sitt in . . . . . iiij s.
To the wattirman that tyme . . . . . vi d.

Item, at zour going to Quhythall, vpon the xix day, to the wattirman . . . . . vi d.
For breid to the hors that day . . . . . iij d.
Item, vpon the xxiiii day, for tobacco brocht to zour chalmir, quhen Schir Francis was with zour mastership . . vi d.
Item, to Willie to by schone . . . . . i s. vi d.
Item, to the wattirman to tak ws bak and fordwart to Quhythall, vpon the last of Apryll . . . . . i s.
Item, for zour sword dressing and skabarting . . . ii s. vi d.
Item, to the man that cam with zour mastership to tak bak the hors that zour mastership hyrit, quhen ze fell in the wattir [betuix Lundone and Tibollis] . . . . . i s.
Item, to ane boy to tak the naig from the Swan to Bischopis gait ij d.
Item, for tobacco to zour mastership and Schir Francis, vpon the last of Apryll . . . . . vi d.
Item, for arillis of your twa muntour caissis . . . i s.
For ane pair of spuris to zour mastership . . . i s. iiij d.
For threid . . . . . iij d.
Item, at my ganging to Greinwiche, vpon the xiij of May, to the wattirmen to tak me bak and fordwart . . . i s.
For my dinnar thair . . . . . i s.
For ane tronk . . . . . xx s.
To ane portar to carie it to Danmarkhous . . . vi d.
For ane hatt and gold string to zour mastership, and ane hatt and blak string to the Lady . . . . . xl s.
For peper . . . . . iij d.
For zour sword . . . . . iij lib. x s. x d.
For ane crampatt to zour ryding sword . . . . viij d.
Item, at zour ganging to Greinwiche vpon the xviij of Maj, to the wattirman to tak ws thair . . . . . ij s. vi d.
For frutt thair . . . . . iiij d.
To the futman to ferrie the hors at Lambeth to cum to Greinwiche . . . . . vi d.
For stabill maill and hay at Greinwiche . . . . vi d.

Mair, for apillis at twa sindry tymis, at Greinwiche . . v d.
Item, vpon the xviij day, for ane leig of muttone broeht in eftir suppar quhen my Lord Currihill eam in . . . ij s. ij d.
For sellett that tyme . . . . . vij d.
For ehikinis that tyme . . . . . ij s.
For wyne that tyme . . . . . i s. iij d.
For tobaeeo that tyme . . . . . iiij d.
Frutt and eheis . . . . . vi d.
Breid and beir . . . . . i s. vi d.
To the ehalmirland at zour away ganging . . . i s.
To the wattirman to bring ws bak from Greinwiehe to Lundone, i s. vi d.
To ane wattirman to bring ws that day from Chereineros to the Blakfreiris to seik James Maxwell . . . . vi d.
To Tam, the wattirman, to bring ws bak to Danmark hous . vi d.
Item, mair that day to Tam, the wattirman, to tak ws bak and fordwart to Quhythall quhan zour mastership guid to sie James Maxwell at the prinee's tinnis eourt . . . . i s. vi d.
Item, for an ell of blak ribbeine to be ane stay to zour hatt . i d.
To ane woman that mendit zour worsett stokingis . . vi d.
Item, at my ganging to Windisaur, vpon the xxvi of Maj, to zour mastership, quhan I guid thair . . . . xx s.
For my suppar and brekfast thair . . . . ij s.
For hors meit thair . . . . . ij s.
For mending of zour tie thair . . . . . ij d.
For sehoing of the twa hors . . . . iij s. iiij d.
For ane wattir to zour hals . . . . . i s. ix d.
For ane temmet claith . . . . . ij s.
For straberreis and ereim in the Swan with my Lord Currihill . . . . . i s. iiij d.
For tobaeeo in zour ehalmir at twa sindrie tymis . . viij d.
Item, vpone the viij of June, for ane quart of wyne in zour ehalmir with William Hayis . . . . . vi d.
Item, vpon the xi of June, at zour ganging to Greinwieh, to Tam, the wattirman, to tak ws thair . . . ii s. vi d.

Wpon the xij day, for ane quart of wyne and straberreis in zour chalmir . . . . . i s.
To the lanirar, quhairof I have the particular compt . xxix s. vij d.
For dressing of both zour saidillis . . . . iij s.
Item, vpon the xij of June, to the wattirman to tak ws to Quhythall quhan the King cam from Greinwiche at nycht . . vi d.
Item, at zour going to Greinwiche vpon the xiiij of Jun, on hors-bak, for sum grein peis, and breid, and drink thair . . ij s.
Item, at zour going to Quhythall, vpon the xv day, to speik the Duk of Lennox, to the wattirman bak and fordwart . . i s.
For dying of zour silk stockingis . . . i s. vi d.
Item, vpon the xv of Jun, at zour cumming out of Tibollis, zour mastership sent for ane quart of seck to suppar . . xij d.
Item, on the xvij day to zour mastership, ane dowbill angel . xxij s.
Item, to ane puir man that day in the commoune gairding . ij d.
Item, vpon the xviij day, to zour mastership . . . iiij s.
Item, to Willie to by ane stain to dres the butis . . . iiij d.
Item, vpon the xxi day, to bring ane jug of beir to zour colatioune ij d.
For chirreis, vpon the xxij day, and ane pynt of wyne with Harbert xi d.
For oringaris that day . . . . . i d.
Mair, for ane pund of chirreis at eftirnone with Harbert in zour awin chalmir . . . . . viij d.
Item, vpon the xxiij day, for twa pund of chirreis quhilk I brocht to zour masterschip in the commoun gairdein . . . xij d.
Item, at zour going to Greinwiche, vpon the xxvi of Julij, to the wattirman at zour going doune . . . ij s. vi d.
For chirreis in ane gairdein in Greinwiche with Harie Arskin and Wattie Leckie . . . . . ij s. vi d.
Mair that tyme in Greinwiche, for ane pund of chirreis I bocht in the zaird my self and brocht to zour chalmir . . . vi d.
Mair, for ane pund of chirreis Mr. Sandiris man bocht . . iiij d.
Mair, for ane pynt of wyne brocht to zour chalmir, quhan the guid-wyf of the hous cam vp to zour chalmir . . . iij d.
To Andro the chalmirland at zour away cumming . . vi d.

Item, at zour eumming out of Greinwiche vpon the xxix of July, to the wattirman to bring zow to the brig . . . ij s.
Mair, to ane wthir wattirman to bring ws from the brig to Danmark hous . . . . . vi d.
For ane pund of chirreis at zour eumming to Danmark hous that day . . . . . iiij d.
Item, to the gairnaris man for sum chirreis he gaif zour mastership in Danmark hous gairdein . . . . . iiij d.
Item, for putting in the plait of zour sword gaird, quhan it cam out, and diehting of zour sword . . . . . i s.
Item, vpon the first of July, for ane quart of seck in zour chalmir, quhan doctour M'Colloche eam to sie zour futt . . . i s.
Mair vpon the iiij day, for twa pund of chirreis in zour chalmir with Harbert . . . . . vi d.
For ane pynt of quhyt wyne quhan ze war seik . . . . vi d.
Mair, to the wattirman for taking the coffir doune the wattir to the schip . . . . . xviij d.
Mair, to the sairsar for seilling thairof . . . . . ij s.
Mair, for twa jugis of beir with the skipar, ... iiij d.
For mending of the tronk . . . . . vi d.
Mair, to the lanirar, quhairof I have the compt . . . xiij s. ix d.
Mair, for silk stringis to the cloth bag . . . . ij s. vi d.
Mair givin out sen we eam to Edinburghe out of Lundonc, to Jone the coehman his man . . . . . vi d.
Mair, to Willie to mend zour spurris . . . . . iij d.
Mair, to zour mastership . . . . . ij s.
For stabill compt . . . . . xix s.
Mair, to Thomas Wttir, the smyth, for schoing of the gray hors, and setting ane scho on the lyart naig . . . . . ii s. v d.
To Willie, for his wages from Sonday the xxij of July to Sonday the fyft of Agust, being fyftein dayis . . . . . v s.
To the lanirar for elais weshing . . . . . iij s. vi d.
For dressing of zour hatt . . . . . iiij d.
For our beddis, fourtein dayis at fourtie pens a-nycht, *inde* . iii s. x d.

Mair, for glaspis to zour breikis . . . . . iij d.
For claith litting . . . . . xix s. ij d.
For ane choping of wyne in zour chalmir with Mairtein Newall . vi d.
To Mairtein Newallis man . . . . . ii s. vi d.
To zour masterschip to gyf Adam Conynghame . . ane angell.
For ane barrell of saip . . . . . xi s. ij d.
For ane postpilzen . . . . . x d.
To the cadgar, for bringing hame the tronk . . . iij s. vi d.
For our dinnaris in Blakboirn at our haimeumming . . i s. x d.
To the drummar in Rugland . . . . . i s.
To the barbour for dressing your heid . . . . i s.
Mair, for thrie peper of preinis . . . . . i s. vi d.
Item, mair to the cadgear that broeht haime the saip, the brydills, and sum wthir graith . . . . . i s. viij d.
Item, to Maisie to send to Glasgow for sum graith . . vi d.
Item, to your masterschip at my going to Conynghame . . i s. iij d.
Item, to Alexander Hammiltoune . . . . ij s. ij d.
For ane quare of peper . . . . . iiij d.
Mair, to Margret Maitland at the ladyis eommand . . vi d.
Mair, to Cabtan Bruce' man . . . . . i s.
Mair, to Masie to by schone . . . . . ij s.
Mair, to the Ladyis feast . . . . . i s.

Summa of this haill buik in Inglis moneth, xxx lib. i s. iij d.

License by the Lords of the Privy Council to Sir John Maxwell of Pollok, knight, and others, to eat flesh during Lent, 5th Mareh 1622.

168. The Lordis of Secreit Counsall gevis and grantis licence to Sir Johnne Maxwell of Nether Pollok, knycht, his spous, and sic persounes as salhappin to be at table, and in eumpanye with thame for the tyme, to eitt and feid vpone flesche during this forbiddin tyme of lentrone; and sielyke vpone Weddnisdayes, Frydayes, and Saterdayes, for the space of ane zeir nixt efter the dait heirof, without cryme, skaith, or danger to be incurred be thame in thair persones, guidis, or geir thairthrow, notwithstanding quhatsumever aets, statuts, or

proclamatiounes, maid in the contrare; quhairanent and all panes contenit thairintill, the saidis Lordis dispenss simpliciter be thir presentis, gevin at Edinburgh, the ffyft day of Marche 1622 zeiris.

AL. CANCELL. J. MAR, Thrs.
T. MELROS. KILSAYTH.
GEORGE·HAY.

OBLIGATION by SIR ARCHIBALD NAPER of Merchistoun, Deputy Treasurer to His Majesty, to the EARL OF NITHISDALE, May 1627.

169. I, Sir Archibald Naper of Merchistoun, deputy thesaurer to his Majestie, do by these presents fathfully promeis, and bind my self to an nobile Lord, the Earle of Nithisdale, that how sone I come to Scotland, I sall bind my self and my land to any that salbe willing to lend, and sall lend to the sayd noble Lord such sowmes of money as Sir Jhon Buchanan or his Lady did conditioun to advance to the sayd Lord for procuring to them a tak of Orknay and Yetland, befoir the date of thir presents; the sayd noble Earle making it appear that such wer the conditions, and not els. In witnes wherof I have subscryved these presents with my hand, befoir thir witnesses, Jhon Earle of Annandale, Sir William Alexander, his Majestie's secretary, and Alexander Maxwell of Litle Cesnok. At Whythall the day of Maij 1627.

AR. NAPER.
ANNANDAILL, wittnes.
W. ALEXANDER, witnesse.
A. MAXWELL, witnes.

PROCURATORY by ROBERT EARL OF NITHISDALE to SIR JOHN MAXWELL of Pollok, for uplifting the rents of Mernis, 19th February 1640.

170. We, Robert Erle of Nithisdaill, Lord Maxwell, Eskdaill, and Cairleill, Lord Superiour and heritable proprietar of the landis and barony of Mernis, ffor dyuers guid causis moving ws, be thir presenttis gevis and grauntis our full power and commissioun, to our weilbelouit cousigne Sir Johnne Maxwell of Nethir Pollok, knycht, to ask, crave, ressaue, intromet with and vptak, for ws,

and in our name, the haill maillis, fermes, multris, casualities, proffitis, and dewties of our landis and barony of Mernis, addettit and restand awand to ws be the tennentis and possessouris and vtheris fewdewties and dewties quhatsumeuer, dew to ws be the fewaris and vtheris persounis havand landis of our said barony, and to call and persew thairfoir in our name, or his awin name, ffor the croptis and zeiris of God i^m^ vj^c^ and threttie sevin and threttie aucht zeiris, or for quhatsumeuir violent proffitis and vtheris proffitis addettit to ws, furth of the said barony : And vpoun the ressait thairof to gif discharges in his awin name, quhilk salbe sufficient to the ressaueirs, and all thingis to do theranent quhilk we micht do if we wer presentt, provyding the said Sir Jon mak iust compt and rekning to ws of his intromissioun and consent, thir presenttis be registrat in the buikis of Counsell and Sessioun ad futuram rei memoriam, and constitutis our lawfull procuratouris : In witnes quhairof, writtin be Adam Nisbit, noter, we haif subscrivit thir presentis with our hand att our castell of Carlaverok, the nynetene day of Februar i^m^ vj^c^ and ffourtie zeris, befoir thir witnes, James Maxwell of Springkell, Maister of Maxwell, our brother german, and the said Adam Nisbit and Johnne Maxwell, advocat.

NITHISDAILL.
J. M^r^ MAXWELL, wittness.
J. MAXWELL, witnes.
ADAM NISBET, witnes.

NOTARIAL INSTRUMENT certifying the attendance of SIR JOHN MAXWELL of Polloke at divine service in the Kirk of Eistwood, 26th April 1646.

171. Apud Maneriei locum de Netherpolloke et templum de Eistwood respective et successive, vigesimo sexto die mensis Aprilis, anno Domini millesimo sexcentesimo quadragesimo sexto.

The quhilke day, in presence of me, notar publict and witnesses vnderwryttin, The ryght honourable Sir Johne Maxwell of Netherpolloke, knycht and barronett, came doun staires vpon his awin feit to the gate of Netherpolloke, and thair, at the ordinarie place of on lowping, mounted himselffe on horsbake without any helpe, and from thence did ryde alongst to the kirk of Eistwood,

and at the entrie of the kirk yairde thairof allichted himselffe affe his horse, and walked on foote throw the said kirk yairde to his ordinarie seate in his awin yle of the said kirk, and stayed thair the whole tyme of divyne service: And efter skailling of the kirk, the said Sir Johne Maxwell did walke alongst on foote to the entrie foirsaid of the said kirk yairde, and thair, at his ordinarie place of on lowpeing, mounted himselffe againe on horsbake without any helpe, and raide home to his awin howse of Netherpolloke, and at the gate thairof allichted from his horse and went vpe staires againe vpon foote without any helpe: Wpon the quhilkes all and sundrie the premisses, Master George Maxwell, fiear of Netherpolloke, asked instruments, ane or mae, in the handes of me, notar publict vndersubscryveand. Thir thinges wer done in forme and maner befoir-wryttin, betuixt ten houres befoir noone and ane afternoone, or thairby, day, zeir, and places respective foirsaides, being present thair, Albert Nisbitt in Hagges, Duncane Burnett scholemaster in Glasgow, Williame Weymes notar thair, Edward Baxter notar in Ruthergleu, and Robert Wilsone my servitour, witnesses speciallie called and requyred to the premisses.

Ita est David Spens, notarius publicus, in fidem robur et testimonium veritatis omnium et singulorum premissorum rogatus et requisitus, testantibus his meis signo et subscriptione manualibus.

A. Nisbit, witnes.

Duncan Burnet, witnes.

Williame Weimes, witnes.

E. Baxter, witnes.

Last Will and Testament of Sir John Maxwell of Pollok, Baronet, 28th October 1647.

172. At Nather Pollok, the tuentie aucht day of October i^m^ vi^c^ fourtie sevine zeiris, I, Sir John Maxuell of Nather Pollok, knycht bairanat, beinge seik in body, bot haill and perfytt in memory, mak my latterwill and testament in maner following: In the first (I recommend my saull and body to the grit God Almichtie, howpeing to be saved by the blood of Chryst Jesus), and as to the effaris of this warld, I nominat and constituit Sir George Maxuell, fear of Nather Pollok, my only executour and wniversall intromettor with my hail guidis and geir,

with full power to him to giue wp inventar of guidis and debtis awand in to me, sa far as sall be omittit herin, or anywayes belonging to me.

Debtis awand outt.

Imprimis, I declar my selff to be awand to Issobell Maxuell, my laufull doehtir, the sowme of ten thowsand pundis, conforme to ane eontract betuix vmquhile Hew Lord of Lowdoune and me the said Sir John Maxuell, and vmquhill Dame Issobell Campbell, my first spous, on the ane and wther pairtis, of the dait the day of i^{m} vi^{c} and zeiris, in satisfactioune to her of all that scho can clame of me, or of the said Sir George Maxuell, my successour, be quhatsumevir contract, band, or wther securitie quhatsumevir eonccavit in her favouris, and in satisfactioune to hir of quhatsumevir portioune natwrall, bairnes pairt of geir, or wtheris quhilk scho ean ask or clame of me, or of the said Sir George my successour, be any rieht or maner of way quhatsumevir. Item, I declair myselff awand to John Maxuell, advoeat in Edynburgh, conforme to my band maid to him thervpone, of the dait the day of i^{m} vi^{c} fourtie zeiris, for the sowme of three thowsand pundis, prineipall sowme, payabill to him vpon performanec of the conditiounes and provisiounes mentionat in his band gevin to me of the same dait. Item, I declair myselff aehtand to John Maxuell, sone laufull to vmquhill John Maxuell, sumtyme of Bosfeild, the sowme of ane thowsand pundis Scottis money. Item, to Geillis, Jonet, Grissell, and Agnes Maxuellis, his sisteris, the sowme of ane wther thowsand pundis, to be devydit amangst thame be sight of Sir William Coehrane of Cowdoune and the said Sir George Maxuell, provydeing alwayes that nathar of the saidis twa thowsand pundis be payit quhill first thay ratefie and approve the richt that I my selff or the said Sir George hes of the landis of Bosfeild; and quhilk twa thowsand pundis is in satisfactioune to thame of any thing ellis that thay can clamc of me, or of the said Sir George my suceessor, be any manir of way or rieht quhatsumevir. Item, I dcclair my selff awand to Qunteine Leche, my servand, the sowme of twa hundrethe markis Seottis money; and to Thomas Greinleyis, also my servand, ane hundrethe merkis, and that by and attour all feyis restand awand to thame. Item, I leve the remanent of my moveable guidis to the said Sir George Maxuell, my exeeutour foirsaid, constituting him wniversall legatour, with

power to him to intromet with my haill moveable guidis and geir, and to dispone thervpone at his pleasour; and also, beeaus that Issobell Maxuell, my dachtir, is wncapabill to governe hir awine effairis, in regaird of hir naturall infirmities, being bothe dumbe and deaff, sua that it is incumbent to me to appoint tutouris to hir for manadgeing of quhat belongis to hir; thairfor I, be thir presentis, nominat and apoint the saidis Sir William Coehrane and Sir George Maxuell, and the langest lever of thame twa, tutouris testamentaris to her dureing hir lyftyme: In witnes quhairof, thir presenttis, wryttin be Albert Nisbet, nottir publick, and subscriuit with my hand, day, zer, and plaee forsaid, befor thir witness, the said Sir William Cochrane, Mr. John Maxuell, ministir at Eistwode, Robert Hammiltoune, servitour to the said Sir George, and the said Albert Nisbit, and Laurence Grahame, my servitour.

I, Sir John Maxuell of Nather Pollok, knycht, abouespecifeit, being waik of body, bot perfyt of memory and judgement, in maner abouespecifeit, do desyre, be the tuichinge of the pen of the nottir followinge, to subscryve for me.

Ita est Albertus Nisbit, notarius publicus in premissis requisitus de mandato dicti domini Joannis Maxuell, scribere impotentis, ut asseruit, testantibus his meis signo et subscriptione.

W. Cochrane, witnes.
J. Maxuell, witnes.
Ro^t Hamiltoun, witnes.
Lawrence Grahame, witnes.

Gift by King Charles II. to Robert Hammiltoun of Partick, of the offiee of tutor to George, Hugh, Gabriel, Robert, and David, sons of the late George Maxwell of Auldhous, 21st December 1649.

173. Carolus Dei gratia Magne Britannie, Francie, et Hibernie Rex, fideique defensor, omnibus probis hominibus suis ad quos presentes litere pervenerint salutem: Sciatis quandoquidem ad officium regale incumbit pupillis et in minoribus annis constitutis legittimis tutoribus et defensoribus carentibus ne eorum terre et hereditatis bona et possessiones alienentur, dissipentur, aut in

extraneos vsus transferantur de remedio et auxilio opportuno providere; et intelligentes Georgium, Hugonem, Gabrielem, Robertum, et Davidem Maxwellis, pupillos, filios legittimos quondam Georgii Maxwell de Auldhous, legittimis tutoribus destitutos esse; igitur feeimus, eonstituimus et ordinavimus, tenoreque presentium faeimus constituimus et ordinamus dileetum nostrum Robertum Hammiltoun de Partick tutorem dativum dictorum pupillorum ae administratorem omnium et singularum terrarum suarum, hereditatum, annuorum reddituum, possessionum, bonorumque omnium mobilium et immobilium, vsque ad eorum legittimas etates: Proviso tamen quod dietus Robertus Hammiltoun de Partick, tutor dativus antedietus, faeiat et perimpleat dietis Georgio, Hugoni, Gabrieli, Roberto et Davidi Maxwellis, pupillis, omnia et singula que tutor dativus de jure seu regni nostri eonsuetudine faeere et perimplere tenetur: et eum ad eorum legitimas pervenerint etates, sibi ipsis et propinquioribus eorum amieis de predietis terris, firmis, redditibus et bonis fidele eomputum et ratioeinium reddat. Quare, vuiversis et singulis quorum interrest vel interresse poterit striete preeipimus et mandamus quatenus prefato Roberto Hammiltoun de Partiek, tanquam tutori dativo dictorum pupillorum per nos specialiter eonstituto, eiusque faetoribus et ministris in omnibus et singulis dictum offieium tutoris dativi eoneernentibus prompte pareant, respondeant et intendant, sub omni pena que eompetere poterit in hae parte. Datum sub testimonio nostri magni sigilli, apud Edinburgum, vigesimo primo die mensis Deeembris, anno Domini millesimo sexeentesimo quadragesimo nono, et anno regni nostri primo.

Per signaturam signo supremi domini nostri Regis suprasignatam, necnon manibus quorundam dominorum seaeearii eommissionariorum subseriptam.

Dorso.—Seriptum et sigillatum sub testimonio magni sigilli supremi domini nostri Regis, a me eaneellarie direetore subseribente, vigesimo septimo die mensis Deeembris 1649. SCOTTISTARVETT.

LICENSE by LORD BELLENDEN, treasurer depute, to SIR GEORGE MAXWELL of Pollok, to eat flesh in Lent, 4th Mareh 1663.

174. William Lord Ballenden of Broughtoune, lord thesaurer deput for the kingdome of Seotland, doeth heirby give libertie and licenee to Sir George Maxwell of

Pollok, Knight, and all such as are of his familie, or shall aeeompanie him at his table, to eat flesh in this forebidden tyme of Lent, and on all vther forebiddcn dayes till Lent nixt, 1664, without any danger or penaltie to be ineurred by them for the samc, notwithstanding of any aet or aets made or to be made in the eontrair. Daited at Edinburgh, the fourth day of March 1663.

BELLENDEN.

LICENSE by LORD BELLENDEN, treasurer depute, to SIR GEORGE MAXWELL of Pollok, to eat flesh in Lent, 1st March 1664.

175. William Lord Ballenden of Brughtoun, lord treasurer deput of the kingdome of Seotland, doeth hercby give liberty and lieenee to Sir George Maxwell of Nather Pollok, knight, and all such as are of his family, or shall accompany him at table, to eat flcsh in this forbidden tyme of Lent, and vpon all vther forbidden dayes till Lent next, in anno 1665, without any trouble or penalty to be incurred be him or them, notwithstanding of any aet or acts made or to be made in the eontrare. Daitit at Edinburgh, the first day of Mareh 1664.

BELLENDEN.

LICENSE by LORD BELLENDEN, treasurer depute of Scotland, to SIR GEORGE MAXWELL of Pollok, to eat flesh in Lent, 8th February 1665.

176. William Lord Bellenden of Brughtoun, lord thesaurer deput of the kingdome of Seotland, doeth hereby give liberty and licenee to Sir George Maxwell of Pollok, and all sueh as are of his family, or shall aeeompany him at table, to eat flesh in this forbidden tyme of Lent, and upon all uther forbidden dayes till Lent nixt, 1666 yeares, without any trouble or penalty to be ineurred be him or them for the samen, notwithstanding of any act or aetis made or to be made in the eontraire. Daited at Edinburgh, the eight day of February 1665 yeares.

BELLENDEN.

INDENTURE betwixt SIR GEORGE MAXWELL of Pollok and GAWANE PARKE, Hammerman, burgess of Glasgow, 14th January 1664.

177. At Glasgow, the fourtine day of Janwarij i^m^ vi^c^ thrieseore four yeires: It is indented, agreed, and finallie endit betuixt Sir Georg Maxwell of Nether Polloke, knight, on the ane pairt, and Gawane Parke, hammerman, burges of Glasgow, on the vther pairt; that is to say, forsameikle as the said Gauane Parke (for the yeirlie fiall wnderwryttin, dureing the spaee efter specifeit), be the tennor heirof, bindis and obleissis himself to worke all smith worke neeessarie about the iron ehyne of the hors milne belonging to the said Georg his heughis, in Titwood muire, neir Glasgow, and to put on the hukies wpon the said iron ehyne, and generallie to worke all smith worke neeessarie about the said iron ehyne for wpholding thairof, and to take out waike and eraked staves that sall happnne to be in the said ehyne, and to put in new ones in stead thairof; and als to shoe, from tyme to tyme, four milne horsses, and to sherp the eoalliers' pieks from tyme to tyme, that worke at the said heugh, and eoll thair waiges; and to worke sueh other irone worke about thair hutehes as was use and wont formerlie to be doone in the said Sir Georg and Patriek Bryee thair worke in the said Titwood muire and muire of Glasgow; and to perform sueh other serviee about the irone worke neeessar for seting doune of shankes as sall be neidfull; the said Sir Georg alwayes paying for the irone that sall be imployed in his worke foirsaid: and to the effeet the said Gauane may the bettir attend the said worke, he binds and obleisses him aither to duell in that hous belonging to the toune of Glasgow, built be Patriek Bryee wpon the muire of Gorballes, belonging to Glasgow, for the vse of the said tounes coall worke, or els in ane hous to be built by the said Sir Georg wpon the lands of Titwood, eonvenient for the heugh. For the quhilkis premissis the said Sir Georg Maxuell heirby binds and obleisses him, his aires and exeeutouris to eontent and pay to the said Gauane Parke, his aires, exeeutouris, or assigneyis, yeirlie and ilke yeire dureing his thankfull serviee foirsaid, the soume of ten pound sterling money; and that quarterly, or at four tymes in the yeire, proportionally, beginnand the first quarter's payment thairof wpon the threttine of Aprile nixt to eome, as als to furnish to the said Gauane tuentie hutehes of eoalls yeirlie, and that frielie; and to eaus leid him threttie loads of smith eoalls by his

tenentis from Hagtoun-hill heugh, he alwayes not demanding the same in pleugh tyme and harvest: Quhilk indentor, conforme as is above obleist, is heirby, by consent of both pairties, ordayned to stand firme, wntill such tyme as they sall dischearg each other of thair obleismentis above wryttin: And last, the saidis pairties obliss them to fulfill ilke ane of them thair pairtis of the premissis in manner above obleist, and the pairtie failzeaer to pay to the pairtie observer ten pounds for ilke breatch, by and attour coast, skeath, and demadg on the pairt of the said Gauane for his failzea in any pairt of the premissis; consenting thir presentis be registrat in the buikes of counsell and sessioune or commissaris buikes of Glasgow. That executoriallis neidfull may pas heirwpon on sex dayes, and thairto constituit
thair procuratouris, etc. Thir presentis are wryttin be Robert Maxuell, notar in Glasgow, and subscribed at day, yeire, and place foirsaid, before thir witness, Georg Stewart of Scotistoune, Thomas Crawfurd, merchand in Glasgow, and the said Robert Maxwell.

G. P. Sir G. M. Neather Pollok.

G. Stewart, witnes.
T. Crauffurd, wittness.
R. Maxwell, wittnes.

Resolution of the Senatus Academicus of the College of Glasgow, relative to the education of the sons of Mr. Mathew Crawford, minister at Eastwood, 28th December 1693.

178. In Senatu Academiæ Glasguensis, 28^vo^ die Decembris 1693.

Sederunt:

Dominus Johannes Maxwell a Nether Pollock, Rector.
Gulielmus Dunlop, Præfectus et Vice Cancellarius.
Patricius Simson, Decanus Facultatis.
Jacobus Wodrow, Sacræ Theologiæ Professor.
Johannes Trane, Regens.
Georgius Sinclair, Matheseos Professor.
Johannes Law, } Regentes.
Jacobus Knibloe, }

The Faculty taking to consideration a proposall made in name of Mr. Mathew

Crawford, Minister of the Gospell at Eastwood, viz.: That whereas he had collected and compiled the Ecclesiastick History of this Church, bringing it doun to the year 1680, and had it in manuscript ready for publick use; but that he, being infirm and sickly, wold give the said manuscript to the Publick Library of this University, where he had his edueation, providing that if any of his two sons should come to be schollars fit for the Colledge, the Moderators of the University should provide them in Bursaries to help them through their course: The Faculty, considering the great pains Mr. Crawford had been at in the said Collection, and his integrity and fidelity, wherby his labours might well deserve to be preserved for future use, and the book being the originall, and no copies therof extant, did accept of the offer; and doe hereby oblidge themselves and their successors in office, by their interest or otherwayes, to obtain and proeure a bursary for each of his two sons so sone as they shall be fit for the Colledge, and that during all their course, they behaving themselves sutably: And in testimony hereof have subscryved the same with their hands.

Jo. Maxwell, Rect.
Will. Dunlop, Prin^{ll} et Vice Can.
Ja. Simson, Dec. Fac.
Pa. Wodrow, S. T. P.
Jo. Tran, P. P.
Geo. Sinclar.
Jo. Law, P. P.
Ja. Kniblo, P. P.

Answers (holograph of Lord Pollok) to Mr. Bell's Memoriall anent the dilapidation of the estate of Lennox, c. 1700.

179. Sir, I did see ane memoriall, intitled [Ane accompt of the dilapidations of the estate of Lenox], to which I think myself concerned to make some answer, in so far as concernes her Grace the Duches Douager of Lennox, etc., and the tacksman of her Graee's estate in Scotland, remitting quhat further may be said in the matter to her Graee's lawers.

1st As to the first Article, anent the patronages alleget to be sold by Enterkin, quhat may be in that, I know not, but sure, his aires are sufficiently

able to refound quhat ever soumes they have gott wpon that accompt, if any thing hath been unwarrantably exacted, seeing the Duches knew nothing therof, nor her tacksman.

[2.] As to the 2d, its not much to be reguarded; for the tennants payes ther rent, and doe not complaine.

3. As to the 3d Article about Inchmirren, I was on the place in the 1670 yeare of God, when, I suppose, that Isle was best stored with that deer he speakes of, but did naither see so great numbers as hundreds in herds, nor did I observe any curiositie in them; only I know, they wer much ruined by the severe winters in the yeare 1674, 1684; and some went out on the ice that covered all the Loch over at that tyme, and that the Duches might make use of any arable land within the Isle, I doubt not lawers will think her lyferent right from King Charles II. will carie her to it.

4. As to the Milne of Airdaugh, whither it belongs to the estate of Lennox, or that he holds it of the King, payeing a 100 merks of few duetie or tack duetie to the Duches of Lennox, I know not. Only this I am sure, Airdaugh payed noe more of yeirly rent for that Milne in the late Charles Duke of Lennox tyme then he does just now, so that it cannot be called a dilapidation.

5. Since ever I remember who lives within a short distance from the Castle of Cruikstoune, I never remember any planting, except the Ewe-tree; and for that place wher the gardens wer, it hath been so much slighted that that ground hath been comonly pastured upon by the tennants and neighbours that lives about; and noe other cutting have ever I heard except quhat might be done by theeves, quhich belongs to the baillie of the regality to look after, and can never be called a dilapidation on the Duches part, nor did ever she or her tacksman authorize any of the tennants to take aither wood or stone from that ruinous castle.

6. As to the 6th, Duke Charles was alyve when it was last cutt; and some souldiers of the late Earl of Southesk's troop did violently putt their horses in it: At that tyme it was young, quhereby it was much prejudged, but since it came in the Duches hands, the dykes wer keeped up by the tennants who are oblidged to it: And I knew noe other prejudice that wood gott but by steale-ing, as all the woodes in the countrey are sometymes lyeable to.

7. As for the 7th, to say that since the Duches gift that the Castle of

Inchinan became ruinous, its altogether calumnious, for I know that when William Earl of Dundonald was proprietar of Inchinan, he took the roofe of that house quhich was no wayes habitable befor; naither did ever the Duches or her tacksman allow aither timber or stone to be taken from that house; but the length of tyme sinee any body dwelt ther hath made all ruinous, it being now wpwards of 60 yeares since any bodie lived ther.

8. The house of Airden belonged to one of the Duke's tennants, and had never a garden about it, and but very few fruit trees in ane orchyaird, quhich is not much worse this day then ever I knew it.

9. Cleilland's hous was falling doune, and noe bodie could hazard to live in it, so that ther was a tennants house built out of the materialls of that house, and some of it yet standing ruinous, quhich can be proven by the tennants and neighbours about.

10. The rent is the same this day that it was in Duke Charles tyme, and when the Duches Dowager gott her gift; and if her Grace did not putt the estate to the full value, but rather took a greassume or fyne for a lease of 19 yeares, without diminution of the old rentall, I cannot understand how it can be called a dilapidation, but rather a great favour that she did not raise the rent to the outmost value.

11. What is said in this Article, I humbly conceave is so injurious to the Duches Douager, her freinds and some of her servants, that I doubt not the laws of Scotland does provyde a remedy, if any man speak so calumniously, without better warrant then is ther condiscended on.

Diploma by King Charles II. to Sir John Maxwell of Pollok, of the title of Knight Baronet, 12th April 1682.

180. Carolus Dei Gratia Magnæ Britanniæ, Franciæ, et Hiberniæ Rex, fideique defensor, omnibus probis hominibus suis ad quos præsentes literæ pervenerint, salutem: Sciatis nos in memoriam revoeantes Titulum et Dignitatem Militis Baronetti in demortuum Dominum Joannem Maxwell de Neather Polloek olim fuisse collatum, eundemque Titulum per ipsius decessum, hærede masculo ex suo corpore qui sibi in eodem sueeedat superstite minime relicto, penitus fuisse extinctum; nosque etiam in fidum et dileetum nostrum Joannem Maxwell

nunc de Neather Polloek, unicum filium legitimum quondam Domini Georgii Maxwell de Neather Pollock, eui tanquam proximo suo consanguineo, dictus quondam Dominus Joannes terras suas et statum hæreditarium disposuit, similem titulum et dignitatem conferre benigne cupidos, ut ad omnia fidei et amoris erga nos officia secuudum imitandum suorum ejusdem cognominis et familiæ prædicessorum exampla obeunda animus ei addatur; igitur dedisse, concessisse, et contulisse, sicuti nos per præsentes damus, eoneedimus, et conferimus in dictum Joannem Maxwell et hæredes maseulos ex ejus corpore dignitatem, titulum, gradum et honorem Militis Baronetti, cum plenario jure, potestate, et authoritate sibi et hæredibus suis masculis successive eodem titulo, honore, gradu, et dignitate fruendi et gaudendi, cum omnibus præcendentiis, privilegiis, immunitatibus, aliisque quibuscunque, ad eundem pertinentibus, vel quæ in posterum per quæeunque acta, leges, statuta, commissiones, diplomata, vel constantem infra quoduis regnum nostrum eonsuetudinem eo spectarc et pertinere dignoseentur. Quæquidem omnia dictum Joannem Maxwell ejusque prædictos absque quovis obstaeulo, impedimento vel molestatione aliquali habere et possidere volumus et ordinamus; cumque generalitate presentium et solemnitatibus in talibus casibus antiquitus usitatis dispensamus, Leoni pariter nostro Regi armorum et fratribus suis fæcialibus mandamus, ut talia insigniorum additamenta qualia in talibus usitata sunt, præfato Joanni Maxwell suisque prædictis dent et præscribent. In cujus rei testimonium præsentibus magnum sigillum nostrum appendi mandavimus, apud aulam nostram de Whytehall, decimo seeundo die mensis Aprilis, anno Domini supra millesimum sexcentesimum oetogesimo secundo et anno regni nostri trigesimo quarto.

Per signaturam manu supremi domini nostri Regis suprascriptam.

Dorso.—Written to the great seale, and registrat the twentie fyft day of Maij 1682.

Jo. Campbell, Dp^t^

Sealed att Edinburghe the twentie fyft day of May 1682.

Jo. Cunynghame.

DIPLOMA by QUEEN ANN, regranting to SIR JOHN MAXWELL of Pollok the title of Knight Baronet, and extending the limitation, 27th March 1707.

181. Anna Dei gratia Magnæ Britanniæ, Franciæ, et Hiberniæ Regina, fideique defensor, omnibus probis hominibus ad quos præsentes literæ nostræ pervenerint, salutem : Quandoquidem nos in memoriam revocantes titulum et dignitatem Militis Baronetti in demortuum dominum Joannem Maxwell de Netherpollock olim collatum fuisse, eundemque per ejus deeessum hærede masculo ex suo corpore superstite minime relieto extinetum fuisse, atque charissimum patruum nostrum demortuum Carolum Seeundum Regem beatæ memoriæ, per ejus diploma de data duodecimo die mensis Aprilis anno Domini millesimo sexcentesimo octuagesimo secundo, dietum titulum et dignitatem in dominum Joannem Maxwell, nune de Netherpollock, tanquam personam dieto demortuo domino Joanni Maxwell in terris suis et hereditate succedentem, tanquam propinquiorem agnatum, et hæredes maseulos ex suo eorpore, concessisse et contulisse, necnon eupientes regii nostri favoris, majorem tesseram in dietum dominum Joannem ejusque hæredes postea mentionatos colloeare unde exemplum suorum prædicessorum in omnibus officiis integritatis, et erga nos et coronam nostram fidelitatis prosequi incitentur : Noveritis igitur nos, non solum ratificasse et eonfirmasse, sicuti tenore præsentium ratificamus et confirmamus antedietum diploma dicti tituli et dignitatis dicto domino Joanni et hæredibus maseulis ex suo eorpore per dictum demortuum Carolum Regem concessum, sed etiam extendisse, sieuti tenore præsentium extendimus, damus, et eoncedimus prædictum titulum et dignitatem, gradum, et honoreu Militis Baronetti dicto domino Joanni et hæredibus masculis ex suo corpore ; quibus deficientibus, aliis suis hæredibus talziæ quibuscunque in ejus infeofamentis terrarum suarum et status contentis, cum plenaria potestate, jure, et privilegio illi et illis suecessive dicto titulo, dignitate et honore, cum omnibus præcedentiis, privilegiis, immunitatibus, aliisque quibuscunque eo spectantibus, vel quæ in posterum eidem per quæcunque acta, leges, statuta, commissiones, seu diplomata vel constantem consuetudinem infra regnum nostrum Scotiæ fruendi, possidendi, et gaudendi : Quæ omnia dietum dominum Joannem Maxwell ejusque prædictos, absque ullo obstaculo seu impedimento qualicunque habere et possidere volumus et ordinamus, cumque geueralitate præsentium et solennitatibus

in talibus occasionibus perprius usitatis dispensamus: Leoni porro armorum Regi ejusque fratribus fœcialibus imperamus ut memorato domino Joanni Maxwell ejusque antedictis talia insigniis armoreis additamenta quæ huie occasioni necessaria videbuntur dent et præscribant. In cujus rei testimonium præsentibus magnum sigillum nostrum appendi mandavimus, apud aulam nostram de Kensingtoune, vigesimo septimo die mensis Martii, anno Domini millesimo septingentesimo septimo et anno regni nostri sexto.

Per signaturam manu supremæ dominæ nostræ Reginæ suprascriptam.

Dorso.—Written to the great seall, and registrat the eightein day of Aprile 1707.

CHARLES KERR.

Sealed att Edinburgh the twentie third day of Apryle one thousand seven hundreth and seven years, in absence of Mr. Archibald Ogilvie.

JO. STEWART, Dept.

EXCERPTS FROM THE DIARIES OF SIR GEORGE MAXWELL OF POLLOK, 1649-1676.

DIARY, No. 1.

182. Agust 8, 1649. Beeing the day that my first daughter was borne.

Wednesday, August 15, 1649.

Received fra John Stevinson, for entering of him to his 11s. 2d. land in Flender, the sowme of 50 markis, quhilk I have sent into my guidshire's wyff.

Munday, Agust 27, [1649.]

John Maxwell sent to John Bairdes wyff, wher he remaines boorded.

Saturday, September 1, 1649.

This day I began to sheire my corne in the Drip ley: shorne 35 threive, 1 stouk, 2 sheaves corne, quherof ther is 44 gaite and 6 sheaves on the stouk heid.

Tuesday, Oetober 2, 1649.

Given to John Maxwell 2lib. 13s. 4d. to pay his master and doetor for halfe a yeeris seolledge fie, quhilk eompleites all till Candlemass.

Thursday, Oetober 11, 1649.

This day my guidshire's bairnes eame to my house.

4th Deeember 1649.

Discharge granted of ane hundreth markis, formerlie reeeived by my grandfatheris wyffe, in part of payment of 2000 markis addebted be me to her, prineipall and annuallrentis.

Munday, Deeember 10, 1649.

Munday next, eourt appointed at Pollok, and the Tuesday following annother at Mearnes. Lettre for this left with Walter my brother, to be sent to my wyffe.

January 12, 1650.

This day proeuratorie sent be Robert Hamilton to my guidshire's wyffe, anent George and Hew Maxwellis. Proeuratorie is blank.

Munday, February 25, 1650.

This day sent to John Bairdis wyff in Paislay 50 lib., for halfe ane yeeres bording of John Maxwell; viz., fra the 27 August 1649, till the 27 February 1650. This money taken out of the teinde money.

Mareh 16, 1650.

This day William Anderson received the Aet of Parliament, dividing my landis in Govean fra the Sheriffdom of Lanriek.

Forme of the Court holden on the Witeht at Paislay, 21st March 1650.

Commission of the Privie Counsel to Houston, Greenoek, Pollok, Glanderston, Weitlandis. Clerkis ehosen, Robert Fork, Robert Parke. Offieeris, Thomas

Logan, William Playfaire. All of them gave oathe de fideli administratione; as also Proeurator Fiseal, Gilmor ehosen Dempster. Inqueist, John Rowane in Greenoek, John Donalson ther, William Rodger, James Tailor ther, James Daff in Finnoek, James Ramsay, Matthew Crafurd, Thomas Langoeh in Divvart, John Wilson, maltman in Paislay, Hew Blair ther, James Landass, bailie of Ranfrew, John Stevinson in Jordanhill, William Stewart in Ferriboate of Inchinnan, Robert Selaiter younger, John Rowand in Denfeilde. The Inqueist not sworne befor the dittay was hearde, only the pairtie had libertie to objeet against the Inqueist.

The pairtie pannelled, Joanet Seott in Greenoek ealled in.

Artieles of the dittay:—1. Holden and reputed ane witehe these tymes past, which shee eonfest; partieularis wherof, eureing beastes and men in manner following: Of diseases, sueh as blastings, wrestings, blankes of ane ill eye; viz., by souseley leafes.

Shee eonfessed that the forsaid salve of sousely leafes did not good but as the pairtie reeeaver did beleeve. This denied.

This salve somtymes shee gave it in ane drinke, sometymes shee applied it outwardlie, and sayd it did not good to any but as they beleeved.

The salve, shee sayd, if the pairtie sleeped after the application, they would heall; otherwise they would die.

She answered, shee hearde that the salve was of that nature, but knew it not if it wer so.

Farder: Shee did eonfess, that when som doubted if her eures wer lawfull, shee said shee had a warrand out of the Bible, viz., "In the name of the Father, and of the Son and Holy Ghost." Shee denied that shee sayd so, only shee sayd that shee had a warrand from Doctoris. Shee eured Joanet Patrik in Greenock of ane sore leg with the salve, and with good wordis, so that when shee eame with a staffe so sore diseased, shee went home without the samin. Answered: Confesses, the woman sayd that shee went home so, and that shee did give her of the salve, but sayd no wordis to her.

Artiele.—She eonfessed that, after her takeing and apprehending, shee sayd shee would fast St. Ninianis fast, to gett amendes of them that took her; and being asked what was St. Ninian's fast, shee answered, it was to fast from Wednesday at noone till Sonday after mass was done. Answered: It is denied,

only shee sayd shee was onee mynded to fast that fast, becaus shee heard that that fast would gett her ane web stollen from her; but shee would not fast till shee speired at Mr. John if it wer lawfull, and that if Mr. John had judged it lawfull, ther was a woman that had agreed to keepe her bairne that was at that tym on her breast; and that shee heard her father, beeing a young man, had fasted that fast; and that in that fast they prayed for revenge on them that had stollen the geire: and beeing enquired what that fast was, shee sayd shee hearde it was ut supra.

Article.—Haveing bought som corne fra William Rodger out of his boate, and that haveing given him 20 lib. of airles, and that when shee broght sackes to fetche it shee gote none, and that shee sayd that "the next tym yee goe about corne you shall bring your boate as emptie as my sackes now ar," and that therafter goeing to Ireland, after a longsom journey, crost . . .

Article.—William had agreed to plow her land, and did it not; and that therafter shee looked on his pleugh when it was tilling on fair ground: the pleugh brak, and shee sayd it was weel waired, and her desyre lighted on him for his wronging of her. This is libelled to be confessed. Answered: all shee sayd when it brake was only her blessing on him. Libellet, confessed.

Article.—When kine wer elfe shote. . . .

Answer.—Confessed that shee had so graiped certaine kine, and that shee hearde that this would cuire the cow. For the elfes, shee heard that they wer the good neighboris.

Article.—Stollen web. Lepros. rott. scete.

Article.—Web of Drogget—woman and 2 children died.

Article.—James Jack, bottorkirne, libel confessed.

Article.—Morison, his sickenes.

Article.—James Crafurd, who sayd he saw her danceing in a summer night with witches, and that shee was angrie with him: the said James took sickenes within few dayes therafter, and died miserablie.

Answer.—Denies: and that his sickenes and death was not 2 yeeris therafter.

Article.—Shee sayd that annother, Joanet Gai, who is suspect of witchcraftc, slew certain personis. Libellet.

Answer.—Denies.

Artiele.—Joanet Bell refuised to lend her herring, and sayd shee had none; wherwith shee was angrie and sayd, "I trow yow have none:" and when shee went to see, had none indeed, the dooris beeing loeked.

Confessed.—Shee did offer to borrow, but was refuised, and that the herring wer taken away, and a dussan of salted killing, and wer found by Castelmilke's offieer in annother manis hand.

Artiele.—Shee sayd to Robert Pinkarton, with whom shee was angry for calling her ane witeh, shee sayd she used to gett ane mendes of all them that misealled her, as shee did of James Craufurd, who died ane miserable deathe.

Answer.—Denies.

Artiele.—About 30 yeares since, aceused be the Session for ane turner of the ridle, it was then offered to be proven true; and that shee did confess the way hou the riddell is turned with these words: "St. Peter and St. Paul such a manis geir is stollen," nameing the man suspect of thefte: and deelared that John Seott her brother used this.

Answer.—Denies.

Answer.—Shee threatened that Robert Pinkartonis cow should not doe him good, and that the said Robertis people could gett no butter, and that shee beeing sent for, kirned and gott butter, and that the cow did not good, but took sieknes and died.

Answer.—Denies.

Article.—Threatened that one Robert Hastie should not hear or speake so as to be understood, whieh fell out; and that Hastie's wyff eam to seeke salve for her husbandis sickenes, but after he did refuise, shee applied it to ane cow, whieh cow died, and after the eowes deathe the man reeovered.

Answer.—Grantes the giveing of the salve to ane shott cow.

Artiele.—Salve given to James Kirke for his wyff that was sicke, and that when the said James did liek the spoone wherin the salve was, becam dafte, and cryed, "Cuttie, cuttie spoone."

Answer.—Denies.

Inqueist sworne: witnesses admitted.

March 21st 1650.

Joanet Galbraith pannelled: Inquest called as yesterday: the pairtie objected not.

Articles of the dittay.—Article 1. Charmeing for the blainke of ane ill eye.

Answer.—Confesses, gave said charmes in the feare of God, when people sought to be cured for Godis sake.

Article.—Charmes wer given somtymes in meall, sometymes in breade, somtymes in salte, or milk, or cheese, and did give it sometymes in broathe.

Answer.—Shee gave the charm of what they brought who craved her helpe.

Article.—And in charmeing cast somwhat of that wherof the charme was made on the grounde, useing thir wordis: "This is for the blainke of ane ill eye: In the name of the Father, Son, and Holy Ghost, I conjure the out of hide and out of haire,

Out of blood and out of bone,
And to the earthe and hard stone:

In the name of the Father, Son, and Holy Ghost, a Godis name."

Answer.—Confesses the useing of the wordis, "In the name," etc. Denies the rest.

Article.—When a sick person sought her cure, shee directed them to seeke it in Godis name, and that the charme, or the vessell wherin it was, should not touch the grounde, and that none should medle with it but the sicke pairtie.

Answer.—Denies.

Article.—More particularlie, charm given to Rebecca Barnhill in meill, for her sonis sake, twice.

Answer.—Confesses: and that it was for the blainke of ane ill eye, and that shee used the wordis: "In the name of the Father," etc.; and that the charme was only meill.

Article.—Charme given to Joanet Ranking for her good man, twice.

Answer.—Confesses once, and in manner above written.

Article.—Charme given to Isobell Inche in oate breade.

Answer.—Denies.

Article.—The lyk charme to James Storrat in breade for ane blaink of ane ill eye.

Answer.—Grantes.

Article.—Charm given to Katherine Russell in wheat breade for her husband.

Answer.—Confesses that Katherine Russell brought her gray breade to have used the charme; but shee sayd that it would be long ere that would doe him good. Shee confesses that the disease Katherine Russell sayd her husband had was on som part of his body, after that Joanet Lowdon had layd her hand on him, but the pairtie pannelled sayd she refuised to medle therwith.

Article.—Charme given to John Bog in cheese.

Answer.—Denies.

Article.—Charm in salt to Joanet Allan.

Answer.—Confesses that the sickenes was for the feaver; and that all shee sayd was, that salt shee had found good for the sam disease, and gave it to her.

Article.—Charmes given in aill and milk to severall personis condiscended on.

Answer.—Denies.

Article.—Charme given in broath to Katherine Morson for her cow.

Answer.—Confesses; but doth not remember if she sayd the wordis: "In the name," etc.

Article.—Shee had a custome in giveing charmes, that shee gaiped and ganted as if shee had been sicke herselfe; crossing with fire the things quhilk thow charmes, particularlie on Thomas Cochranis wyffe's mutche, which mutch was broght to her as a tryall of her sickenes.

Article.—Joanet Scotte's barne cured of mawturning by her charmeing, by useing wordis:

"Oaken post, standes thow,
Bairnes maw turnes thow;
Our lord and our lady bright,
Turne the bairne's maw right."

Answer.—Confesses the charme used: that ane old woman first spake of it; that it was the first shee saw of that kynd; and that shee did assist them in the saying of the wordis, and that James Ramsay, father of the bairne, looked on.

Artiele.—Charmes used by her for wresting, partieularlie on her own son.

Answer.—Denies.

Article.—Charmes used by her for the heart feveris on Katherine Lindsay and of Margaret Tailzeour; muttering wordis, and ehawing heassell stiekes.

Answer.—James Wabster told her of this eharme, and appointed her to say the beleefe and the Lordis prayer, fasting. Farder: shee sayd that shee used to eross herselfe with the right hand, and ane eross quhilk she learned of her mother.

Artiele.—Charme to John Rodger for a sore leg, by takeing of the mouldes of ane modiwark hilloek wheron never leife did grow, and on ground that was never tilled.

Answer.—Confesses she learned it of a highland man, and used it [her]selfe.

Article.—Shee eonfessed that shee eould sueke witeheraft out of folke's bones.

Answer.—Denies.

Artiele.—Professing skill of divination; and that when diseased folke eam to her partieularlie eondiscended, shee told them they were not the better of ill neighbouris, who duelt be east them and be west them, and what houre of the night the disease took the pairtie.

Answer.—Denies.

Artiele.—Sayd to one that eame to her for helpe of a diseased person, it was needless, they wer to long a eomming; the pairtie was gone.

Answer.—Denies.

Artiele.—Sayd that one particularlie named, a yeer befor they died, had ther disease so layd on as that they would never gang on the ground againe.

Article.—Shee sayd that ill folk would putt prines in som folkes heart, and when the prin eam to the head, they would die.

Answer.—Shee so hard from som folkes in Cartsburne.

Article.—Shee sayd to one that her beast was eaten away with ane ill eye; condiscending on tym and place when and wher.

Answer.—Denies.

Artiele.—Shee sayd to one, "I am not called good, and I ean doe both good and ill."

Answer.—Denies.

Article.—She sayd to one , who had eaten her corne, that he should never thrive so long as he stayed in that towne, doe what he could.

Answer.—Denies.

Article.—She sayd that one Ranking, who was usuallie taken away and not to be found, that she sayd Ranking would be yet oftner taken away, and that shee sent word to , the husband of Ranking, to keep himselfe quiet, for he was in as greate hazard as his wyff was.

Answer.—Denies.

Article.—Particularlie condiseended on, that cowes died after the tasteing of her charme, and dogges went mad: and when any tasted of the charme, for whom it was not appointed, they died of ane longsom disease. The personis condiscended on.

Answer.—Denies.

Article.—Holden and reputed ane witch, and so called by her husband, who sayd shee had beene the divellis servant since shee was 15 yeeris old, and that shee had beene seekeing to gett his soull to hell.

Answer.—Her husband will say no such matter.

Article.—Shee hes the divell's marke.

Article.—William Fiffe, haveing offended her, was cursed by her, and within few hours contracted a violent disease; who in his torment sent to her, and bad her pray to God for him, else hee would eause burne her, or else be her deade; and that shee bad God helpe him, and within halfe ane houre the man reeovered.

Answer.—Denies.

Inqueist sworne: witnesses admitted. Anent Joanet Galbraith partly proven and confessed, partly charmeing for blasting the blainke of ane ill eye, ete. Given in the name of the Father, etc., casting on the ground a part, and directing to be keeped upon the ground, and that none medle with it but the pairtie for whom it is appointed, and appointing it to be asked for Godis sake: all instanced in particularis: the matter of the charme somtyme salt, sometym meall, oatbread, wheat breade, eheese; gapeing and ganting the tym of the makeing of the charme. Charmeing for the maw turning with these wordis, "Oaken post turnes thow," etc.: for the heade and heart feveris, by chewing of aissell stiekis, or 3 pickles of salte.

Proven: that shee sayd shee could sucke witchcrafte out of the bones of such as had it, and that none should come after her should doe better; and bidding them keepe themselfes therafter out of the sight of ill neighboris. Divination proven, in saying to the diseased they wer the worse of ill neighboris; and to ane who was taken away, shee sayd they would be taken yet away: and besydes, one single witness depones, shee told exactlie that a manis sickenes began betwixt cock craw and midnight: and by annother witness, shee sayd it was needless for her to goe to a sick man, for he was a spent man; which man shee knew not. Item, one witness depones that a dog suelled after the tasteing of charme meall which was appointed for annother man, and shee sayd shee knew a woman, when shee told her that she was sicke, that it was procured through her tasteing of charme milk which was appointed for annother, viz., a sick barne. Last, is the marke proven mala fama.

Anent Jeane Scott. Common bruite. Proven salve of foxtrec leafes applied for all diseases, to beast and body, which had operation according as the pairtie beleeved. It was to be sought in Godis name, and it was given in the name of, etc., applied somtymes externallie, sometymes in potionis. The signe of its vertew was, if the pairtie sleeped it was health, if otherwise no hope of life.

Elfe shooteing cured by three fingeris of different persons putt in the holl.

Malefice of leprosie proven and death following. Shitt bairnes cured by her salve. Malefice of suelling layd upon . Malefice of death layd upon annother. The mark proven.

Diary, No. 2.

Monday, 10 January 1652.

Two thingis, it seemes, would heer be looked to:—1. How the dispensation doth represent itselfe. 2. What may be the duetie. In the first of these, three things cheifely ar to be regarded: 1. Touching the dispensation itselfe. 2. The circumstances of it. 3. The frame of the hearte within.

1. The dispensation strikes much at the O, which is my idoll. "For the iniquitie of his covetousenes was I wroth."

2. It is to be feared if this be not the tym of the Lordis controuersie becaus of personall guilte, and of the iniquitie of my fatheris familie and the familie I now represent. One drop may swell the cup to the brim that it run over: And God hath his appointed tymes and seasonis for temporall roddes.

Falkirk, February 8, 1654.

So also after I found, as I thoght, som nearenes with God, som oathes did in passion escape. On the backe of this followed a mightie indisposition in prayer, withall a feare of Godis displeasur, which smelled mightily also of a base selfe love.

Edinburgh, 12 February 1654.

Experiences.—I finde this servill feare (Feb. 8) weake as to the restraint of sin. Feb. 12. Transgressed in immoderat mirth, in takeing mor wine than was fitting, quherby it seemes I am not yet without the reache of being intemperat.

Glasgow, Feb. 27, 1654.

Some sad convictions wer these dayes past on my spirit upon the death of my son William; and som directions wrytt to my wyffe, on which I am yet to looke; and to be mourned that no remembrance was had of it. Angous busienes was right guided, and my feare disappointed.

26th July 1655.

My son George saved from a perill of breakeing his leg.

Diary, No. 3.

Pollok, Sabbath, 11 May 1656.

My leanenes under the word is ane abideing complainte, yet it is no wonder if it be reflected on, 1. That God's faithfulnes is not to be expected in any other channell than that of his own promise: Now the promise lieth not in the way of lazienes, sleepeing, and indifferencie, but in the way of dili-

gence, prayer, watchfulnes, etc.; and let but my soull answer to God upon these articles. 2. Consider whether I be not in a case of backslideing in the use of all these exercises named; for backslideing must be accompted from the first verticall declineing. If I be any thing mor negligent now than ever I was, then am I ane baeckslider. 3. Am I not short in my vowes in myndeing God of this improfitablenes under the word? 4. What may be the late and neerer causes of the faileings of this day? I have observed that this while past, since I began the purpose of this diarie, God hath never let me goe with any wilfull neglect of examination, and sueh ther was yester night. 2. Ther hath been laid asyde all inspection of the familie this while past; therfor God seemes to withhold from me, becaus I doe withhold from them: Besides which rod ther is also another, that is, sad ignorance seen this night (som of them not knowing the Godhead or eternitie of Christ, and otheris not knowing what is sin, or what the law of God), beside other profanitie of manneris.

It wold be essayed if that may not be ane helpeful remedie to mak that the subject of the following weeke's meditation, which was the subject of the dayes heareing.

Pollok, Tuesday, 13 May 1656.

Praise ane edificing exereise and a helpe to prayer.

Prayer begun with restraint, and ending in som measure of libertie. Sins of the day: Hearte at a distance from God when I was walkeing and travelling out the way; not profiteing in the house of mourneing (beeing to-day at the buriall of John Hamilton in Paislay); discourse not edifieing; discovering needelesslie, and without a Christian end, the faillings of my neighbour.

Pollok, Thursday, 15 May 1656.

Inordinat passion to-day: Causes appeareing to me, 1. Faintenes or partialitie in my office of ane Justice of Peace, cedeing to lay aside for a tym the tryall of ane publick offence. 2. Prayer with my wiffe neglected. 3. Forgetting in prayer the remembrance of som illis deteeted; aggravation of the sin, besides my ordinarie frequeneie, ineircumspeetion, and inadverteneie; bold adventureing on tentation and snares on which I have formerlie splitted upon.

Pollok, Thursday, 22 May 1656.

My little daughter afflicted with siekeness; God not seen nor owned therin. Myselfe also under a bodily distemper, and the like distance from God.

Munday, 21 Julij 1656. Mane.

I have been upon this occasion of the communion constrained to renew (shall I say renew, or first enter into?) covenant with Christ, somewhat beeing discovered off sin with the unavoideable wrath of God followeing theron. Albeit I did not feell any distraction through the terroris of the Almighty, nor yet any deepe running sorow; yet the remedie of a Saviour was embraced as necessar, pleaseing, and acceptcable, mor than all the earthe besides. When I considered the termes of the offer, and looked back upon former practises, I was (as weell pleased with the embraceing of his righteousnes insteade of mine owne) so much puzled with the promise and vow of new obedience, not as if I reckoned it not his desert and my duetie, but that I feared breache in the issue. But againe, when I began to reflect upon my wishes and desyres, oh to be in covenant with Christ! Oh to be willing for him! Oh to live to his praise! These ar not sufficient, but a bargaine must needes pass per verba de præsenti. I doe take Christ for myne: I vow myselfe his: I promise to walk in all weell pleaseing to him. And againe, I considered what is my vow is his promise. I say, I have at last entered with feare in covenant with Jesus Christ to this purpose: It is a day much to be remembered to the Lord, and it is a vow much to be remembered to the Lord, and therfor I will set down the verie engagement or covenant itselfe, as it was concluded at Pollok, on Saturday, the 19 of July 1656, in the litle rounde of my bed chamber, after supper, it beeing to this purpose, breifely.

I beeing convinced of my present lost condition (haveing heer particularly amplified the confession of original sin, the sins of my youth, the sins of my hearte, the sins of my vowes, the particular breache of eache command so far as came to my knowledge), doe, with thankefull and praiseing hearte and lips, accept Jesus Christ a Saviour and Redeemer, and doe lay hold on his blood as a ransom for all these my abominations. And from the sense I have of sin as disconformeable to the righteous law of the righteous God, who loveth right-

eousnes, and of the wrath due to it, in part alreadie inflieted on my selfe; I doe heerby heneeforth separate myselfe to the Lord, and devote myselfe to his feare, promiseing to forsake, renounee, quitt, and abjure my lusts and old loveris (partieularly eondiseending on som, with a elause of all other that shall come heneeforth to my knowledge), and that onely upon the termes of Christ his beeing suretie for me in that whieh is good. And it is upon these termes that the sealles of the Covenant in the eommunion have beene by me intermedled with.

This day also a postseript hath been added to the former, viz., that all my work and serviee shall be gone about in love to Christ, who loved me, and who gave himselfe for me.

The partieulars that at present ar to be remembered toueheing this vow now made to the Most High is, that I shall give myself mor to the meditation and praise of him, with prayer to him; depend upon him for all his faithfulnes; subject my selfe to the word of his eommand; trust to the word of his promise; submitt without murmureing to his free disposeall of me.

That I shall partieularly endeavour the mortifieation of pride, passion, my own carnall pleasures and delights; that I shall endeavour the reformation of the sins of my relations; as a husband, to love and eherish my wiffe, and beare with her infirmities, respeeting the oathe of God to the wiffe of my bosom, and together with her endeavour the honor of God by jointe prayer and other dueties; as a master of a familie, to endeavour the instruction, edification, and wise eorreetion of these under my eharge; as a son, to love and honor my parents; as a father, to love, pray, instruet, eorreet, and provide for my ehildren; and shall, in the relation of my power and authoritie, either in the house of God or in eivill trustes, set myselfe impartiallie for his honor: That I shall endeavour eontentednes with my oune lot, and depend upon him diligently in the affairs of my ealling, estate, and interest, without oppression, fraud, or covetousnes.

That I shall not eauselessly nor ineompassionately diseover the nakednes of my brother, but shall with love cover offenees, yet so as not to hate him in my heart, but in any wise to rebuke sin with the observation of the rules of love and Christian wisdom.

I doe profess I have no reason to boaste or confide in my oun strength

(the treacherie of my oun heartc beeing of unfrequent experience), but that which hath induced me to come under this formall engagement is, 1. Becaus as the conviction of the bountieful nature of Christ towards sinners, or the longeing desyre to be under covenant with him, is not sufficient, but ther is a formall, direct, explicite embracing of Christ required; so answercably, ther is on the part of the beleever required a formall, direct, and explicite promise, vow, and engagement. 2. The vow of baptism made in my name is such. 3. The sealles of the sacrament ar the sealles of a formall covenant. 4. The covenant on the part of Christ is such, and ought on our part to be mutuall. 5. I look upon this vow as one of the bonds of God on my soull. 6. I look upon it as a meane for strength to be derived from Christ.

[This Covenant was renewed by Sir George Maxwell, and a separate copy (holograph of his eldest son John) subscribed by him at Pollok on 13th April 1677, a "little before his death:"] *Original at Pollok.*

Pollok, Thursday, 4 November 1656.

I cam this day home from Edinburgh, meeteing by the way with the information of my brother Blackhallis deathe. The dispensation speakes home to me as a man, as a Christian, as a freind. As a man, its language is "*memento mori;*" as a Christian, "number thy dayes and applie;" as a freinde, "lover and freinde doth he put far away, and acquainteance into darknes."

Diary, No. 4.

Pollok, Tuesday, 16 December (56.)

Yesternight I studied arithmetiek som short tyme: therafter practiseing it in the computation of the lives of the patriarches before the flood.

Ther is a holy arithmetick recommended to us: 1. The number of our dayes: 2. Dueties: 3. Sins: 4. Mereies. Number dayes; add dayes till they swell into weekes; multiplie weekes till yow extract yeeris; substract from theme what of our dayes must be necessarily allowed to sleepe, to diet; what

unnecessarily triffled away; and see how short is that hand bredth of our age, and how litle of that hand bredth is under our disposeall. Divide one of these dayes in houris, and that in all the severall periods therof, and the product shall prove how fluide a thing tyme is.

Dueties have ther oun order and classes, superiorities and subordinationis: first God, then our selfes, last our neighbour: and to set eache in its own plaee is a parte of ane holy arithmetick.

Both sinis and mercies ar innumerable. Dueties ar comprehensive and short; but numberlessly innumerable ar sins: Mercies eannot be reekoned up in order (and thc ordering of them is ane greate parte of this holy arithmetick). "If I should reckon them in order." And as to sinis, the number of them is to be endeavoured, though they be mor than the hairis of our heade.

Mr. John Rae, a preface to a sermon. Many things have ther rise and fall from love, stabilitie, tendernes, mortification, Sabbath dayes, dueties, hope, diligence, meditation, longeing for Christ his comeing.

Examination.—Passion stirred to-day befor I went forth to sermon: No wonder if ther was no profiteing by it.

I was present at a marieage to-day: This ordinance was honored by Christ, but I do not reapc any benefite of the meditation therof. After this I was employed about affairis relateing to the payment of some debtis. My sin in this is not observeing with thankefulnes Godis preventeing of that marke of the wicked man, who borroweth and payeth not againe. 2. Compareing my advantage besidcs many of the most considerable families of the land. 3. Not engageing myselfe upon this experience to be less anxious about the thingis of this life.

A sin hath been also in not beareing with som litle erroris and infirmities of ———: Not pondering how much ther was in these of ane just rebukc, which, if it wer at this present innoeently charged, hath been deserved at annother season.

Pollok, Friday, 19 Deeember (56.)

Examination.—My morncing sin hath beene lazienes; slothfull slumbereing upon my bed. It appeares a verie peccadilio, yet yow may judge a serpent from its progenie: see what good turnes have lien behinde thc hand. 2. What

hath the pilgrim to doe to rest in the wilderness, espeeieallie towardis the deelineing of the day? 3. It speakes forth how eontentedly I would sit down under the shadow of the bramble, and forget the delightfull shade and fruite of the aple tree. 4. Satisfaetion and eontentment is so greate in a good warme nest whieh wee builde our selfes on high, as it is no greate diffieultie to finde out the grounde of that disquietnes that falselie pretendes oft tymes to be the streame of a sweeter fountaine.

19 Deeember (56.)

Observations on Providenee.—Being this day lookeing out some paperis for assisteanee of the Earl of Nidisdaillis pursuite against Baeleugh, it is not to be passed by what doth appeare from the inspeetion of adventures and transactionis relateing to that familie, old and late: Promotion eam neither from the easte, nor from the west, nor from the south. How terrible is God in his displeasure, when he eutteth of the spirit of princes! How eminent hath that familie been whieh is now so verie low! Also, I have reason to suspeet the inducement of that hath given oecasion to som of those burdenis that now affliet my familie, hath beene somwhat of ane hope of my predeeessoris to sueceed to that familie: whieh doth plainely teache and speake aloud the vanitie of deepe projeetings about the world, and how much mor preferable it is to quietly submit unto the good providenee of God, the issue wherof is alwayes above all our designes.

Pollok, Saturday, 20 Deeember (56.)

Begun with prayer.

Examination.—Immediatelie upon the baek of this fell out a most greivous passion with ——: so mueh the mor hainous as that it was upon the baek of ane sweete fellowship with Christ in prayer. I think the eause, one cause at least, was the adventureing rashelie on som tentation that gave the oeeasion. This use, I judge, ought to be made of it: 1. Not to judge a not stirring sin to be a mortified sin. 2. Not to judge a tyme of communion with God a tyme free of tentation. 3. Neither yet a tyme of good purposes (such a tyme this was) to be a tyme free from the like hazard. 4. To look upon this as a rod for sinis of the sam kynde. 5. To look upon this as a rebuke forgetting of that

which was noted 3 dayes since, 16 Deeember. To remember that guilte may be in former tymes, though innoeenee may be as to that quherin wee ar rebuked, and to remember the sinis of youth and seeret sinis.

Pollok, Wednesday, 24 Deeember (1656.)

This day attended the burieall of Blaekhall younger.

Pollok, Wednesday, 24 Deeember (56.)

Reade Psalmes 110, 111, 112, 113, 114, 115, and Samuel, i. Beeing this day abroad upon occasion of the burieall of Blaekhall younger, I have not had any serious meditation on the Word; onely it is remarkeable in the 1 Samuel toueheing the returne of prayer.—Examination. My spirit not affeeted with the thoghtis of deathe, nor this oceasion weel emproven, nor eare taken to regaine lost tyme.

Pollok, Sabbath, 28 Deeember (56.)

I have beene detained by sleepe in the morneing, after I had profitably watehed in the night, from followeing the dueties of the day.

Wandring also was, in tyme of prayer with my wiffe. Add to this that, dureing all this weeke last past, ther hath not been any reveiw of my way, prayer for the pardon of the sinis of the former weeke, and for sanetificing this day by ane holy rest from the sinis of the former weeke, and from that unfixednes of mynde that may be eontraeted from my sinfull intermedleing in the affairis of this life. In prayer not eountenaneed of God.

Pollok, Thursday, 1 January (57.)

Morneing.—Reade the first 5 Psalmes, and 1 Samuel xiii. Samuellis oration to the people befor his deathe, toueheing the ehange of government from a democracie to a monarehie. He first vindieates his oun government, 2. takes of the pretext of his sonis naughtienes to be the true eause of the ehange, but an ambitious affeetation of eonformitie to the nationis, and feare of the Ammonites invasion. What followes is remarkable, both of the evidenee of Godis displeasure with the ehange, and the eertainetie of Godis respect to his people. A notable and remarkeable plaee.

Note.—I am exeeedeingly moved at present to know Godis mynde in the particular of the division of Mearnes Muirs. Things ar marred befor they be put in God's hands: At first it was but the formalitie of seekeing his counsell: Now that opposition is given to my designe wher so litle was expected, and considereing how readie such a meane may be of hazard to me by God's just judgement, I am the mor moved.

Haveing upon this emergent prayed with my wiffe, I am convineed of this followeing duetie: First, not to designe the right of any of the fewaris but in a fair way. Next, not to wearie in any essay of peace. 3. To continue to deliver him that without cause is mine enemie. (It is the word of a Psalme reade to-day.) 4. If provocked to essay ane legall decision, then not to feare or distrust oft experienced providence.

Pollok, Friday, 2 January (57.)

Begun the day, after prayer, with a mightie passion: occasion with —— about the enteress of J. M.; I intendeing a greater ease than was advised. Ther is, I verelie thinke, a good intent; but ther appeares the following sinfull erroris:—1. It is not a zeale for a Christian duetie, but pride, that loves not to be crossed. If the principle wer pure respect for conscience' sake to a poor man, ther should be a chaine of graces like ane ornament about my necke; mor of patience, mor of humilitie, mor of compassion, mor of zeale to gaine a consent from ——; wheras now, my vertew becomes my sin, and ther is a chaine of vices which is ane disgrace and shame to me; passion, rashe and unadvised speakeing and acteing, contention with ——, the spirit disposed to ane hastie humorousnes throughout the day. 2. Beeing moved about so poore a triffle speaketh forth the eminent degree of this sin: Strong and readie acting proves a deepe and rooted habite. 3. Ther is somwhat of ane impure principle in the occasion mixed in with a better; that is, love and respect to applause.

Edinburgh, 19 January (57.)

Robert Andrewes related that the shoure of blood, som 18 drops therof, wer founde on cloathes in his garden the last Tuesday of October (56); and befor that, a greater quantitie in the governor of Perthe's garden, that sam day fortnight befor.

Edinburgh, Tuesday, 27 January (57.)

Dr. Colquhoune maried to Mr. William Maxwellis daughter.

Edinburgh, Tuesday, 27 January (57.)

Attended a marieage of Mr. William Maxwellis daughter with Dr. Colqhoune. And litle of a right emprovement of sueh ane oeeasion. My hearte hath been somewhat under the thoghtis of Godis soveraignetic, that restrained for a litle tyme vaine thoghtis, yet not long till I was engaged in idle triffleing of tyme.

Ardgowan, Saturday, 21 February (57.)

Attended the burieall of Baroehanis son.

Duchall, Tuesday, 24 February (57.)

Robert Widdrow in Daffe fined by the Justice of Peaec for fornieation, drunkennes, and resett of Egiptianis, 40 marks; to be payed to William Addam within 20 dayes, with ane 5^{the} part mor in caiee of undue payment.

Duchallis man, for killing the dog of Alexander Maxwellis tennant, ete., to pay 40s. to the pairtie skaithed, and 40s. to Alexander Sinelar, eonstable, to be given in to the thesaurer.

Pollok, Wednesday, 25 February (57.)

Providenee in saveing me in ane fall from a horse.

A sad oeeurrent of the Millar of Seedlemilne grinded to deathe by the wheelles of the milne.

Pollok, Wednesday, 4 March (57.)

Received my paperis, my contract of marieage, and paperis relateing to my wiffe's securitie.

Thursday, 5 March (57.)

Gone to Glasgow on my Lord Montgomeries behalfe. On Saturday 27 Februaary generall Major Montgomeric and the Lord Kinnoull escaped out of the eastell of Edinburgh.

8 Mareh (57.)

The reveiw of my wayes referred till to-morrow. My wiffe mueh siek. My son George also.

Munday, 12 September 1659.[1]

This day I rode to Edinburgh, and was at night in Falkirk, and at Edinburgh on Tuesday and Wednesday 13 and 14 September; at Lithgow on Thursday 15 September, and at Pollok on Friday 16 September.

Pollok, Saturday 17 September 1659.

Refleetion made on my way these dayes past, wherein I finde myselfe to have eonsumed idly my tyme, and to have misemproven good oportunities of Christian fellowship and soeietie; neither to have rested on God in the proseeution of my eheife busienes, which was my oune and my wiffe's healthe with a phisieian. And this day I have sleeped, or rather foolishly spent my tyme in vaine solitarie museing, not fervent in prayer, nor prepareing for the Sabath. My departure from God hath indisposed to aetis of worship.

Pollok, Sabbath, 18 September 1659.

Albeit the Lord hath not remedied fully my wandring mynd, with other sinis of worship, yet hath he tenderly vouehsafed to set som of them befor mine eyes, and also to mak som sweete revelation of his merciefull, eompassionat, and tender hearte to sinneris: That is all the ground of my hope, both for pardon and for sanetifieation.

Pollok, Munday, 19 September 1659.

Illis are not mortified, but easiely provoeked. Prayer and meditation, with other aetis of worship, difficult. Seripture not serieously reade.

Pollok, Munday, 10 Oetober 1659. Mane.

No sooner was prayer ended with my ———, but streight needeless passion and diseontentment did arise, whieh evidenees pride to be my sin. And

[1] The following Nine Entries are in Diary, No. 2, and are placed here to make the whole series chronological.

now is he not a good God that permittes me to pray, and doth not presently shew his displeasure? My question is, whether I may presently beleeve pardon of this sin when yet my hand is smoakeing with mine iniquitie? Heer also is matter for repenteance all the day long. Farder, my sin is sinfull eonjunction in prayer, which is in parte a cause of this passion; ane ill that I wold faine know in the rise, and be helped to reforme.

Pollok, Saturday, 5 November (59.)

This day the morneing was spent in sleepe excessively; and the exereise of the day suiteth not with the present sad tyme, and the tentationis and snares that ar therin. The Lord seemeth still veiled, and in the meane tyme I am stupide above measure. The Lord hath delivered from a sad aecident of fire.

Pollok, Saturday, 12th November (59.)

This day I sleeped immoderately, and did not at all regaine my loss by any diligenee. It is good for me to be seriousely affected with my sin as beeomes. Furthermor, I was assistant at the burieall of my servant, Q. L., and have not anything mor minded my mortalitie.

Pollok, Munday, 19 December 1659.

This day spent in sport at the iee. These rules I have transgressed which ought to be observed in the use of this parte of Christian libertie: viz., 1. Heerby to enable me with mor eheerfulnes to Godis service. 2. To avoid heerin passion and lightnes. 3. To intermixe therin prayer, as in all other aetionis: All whieh, less or mor, I have transgressed. The Lord hath been putting me mor in mynde of judgment. He hath also preserved me from a manifest danger of ane fall on the iee.

Pollok, Friday, 6 January 1660.

This day usuall passion hath accompanied me. The Lord hath also given proofe how it was in his power to have destroyed me, but hath showne himselfe to be the preserver of man and of beaste, when my horse did fall in the bridge twixt Paislay, neere Hillington. My sin is that, doe the Lord what he will, my hearte eomes never to be kindelily affeeted with his love.

Diary, No. 5.

Edinburgh, 9 May 1672.

For my son George, holland	£17	19	6
Makeing therof, ...	2	8	0
Captain Dick for stuffe, 9 ell beate a quarter . .	30	18	0
Tailor compt	39	17	8
For my daughter Margaret's pettiecoate . . .	30	10	9
For Annabell's goune	83	10	9
Glooves to her and sett	2	8	0

Diary, No. 6.

Pollok, 28 April 1675.

Mem: Mr. Alexander Jamieson died at Hagges, 15 April 1675, and buried at Govean, Munday, 17 April.

The Lady Coltesfeild to be buried 29 April 1675.

Pollok, Wednesday, 15 September (75.)

Treiste of marieage twixt the Lord Montgomerie and the Lord Cochrane's eldest daughter, at Paiselay. The Earls of Eglinton, Lowdon, Drumfreis, Dunlop, Lanshaw, Skelmorley, Major Bountine, on the part of Lord Montgomerie; the Earl of Dundonald, Lord Cochran, Sir John Cuneinghame, Sir John Cochrane, Housill, and myselfe, but nothing concluded.

Pollok, Tuesday, 21 September (75.)

This day —— Wallace of Faill, father to the Lord Craigie, Justice Clerk, was buried; who died som dayes befor.

Pollok, Saturday, 25 September (75.)

The Lady Aikinheid, daughter to Duchall, died. Her mother was a daughter of Broomehill, Hamilton: who is to be buried 7 October 1675.

Munday, 27 September (75.)

Greate mortalitie amongst the poor; so that two severall strangers, dieing in ane day at Hagbowes, eould not, without sipplie henee, be so mueh as buried. And a thrid, Hall in Shawes, to whose buriall I gave a rix dollar. It is sayd that at Hamilton, after this greate storme, the meale did rise from 11s. to 15s. a peek.

Pollok, Friday, 8 Oetober (75.)

By the Counsell, 5 September 1675, the Laird of Polwart, prisoner in the Tolbooth of Edinburgh, for the oposition given to the Counsellis designe of garisoneing som houses, is allowed to be prisoner in the Castell of Sterleing.

Polloe, Saturday, 9 Oetober (75.)

This day died Dr. Hamilton, brother to Bangour, at Glasgow: buried, 12 October therafter.

Edinburgh, Thursday, 2 Deeember 1675.

Mem.—This day maried at the Canniegate kirk, the Laird of Keir and the Laird of Lusse's daughter.

The sam day, maried at Yester, the Earl of Roxburgh to the Earl of Twedallis daughter.

Munday, 6 Deeember 1675.

Mr. Matthew Birsbane's wiffe, mother to Dr. Birsbane, buried at the West Kirk; who died Tuesday last.

Edinburgh, 28 January 1676.

Mem: Great burneing at the heade of Kirkheugh in Edinburgh, 13th January 1676.

Pollok, Thursday, 9th Mareh (76.)

This day the Lady Blantyr, Greeneoekis daughter, buried . . . .

EXCERPTS FROM THE DIARIES OF SIR JOHN MAXWELL, OF POLLOK, 1670-1719.

13th April 1670.

Remarks vpon my journey to London.

That day wee eam from Edinburgh to Dumbar, wher wee went and saw the ehureh, and the Earle of Dumbar his tomb, haveing first his effigies in marble, kneeling on ane eushion, and a book before him, tuixt tuo arehes that hes draune on each of them a man all in armes; and then above all, his armes, with this motto: Rex ditat Deus beat.

14 April.

That day wee eam through a muire eountrey 20 myles, to Berwiek, wher wee dyned in the Postmasters; and from thenee the first stage to Belford, wher wee lodged all night. In all this ther was nothing eurious, but the ehureh of Berwiek.

15 April.

Wee eame from Belford to Morpath, quilk is 2 stages, viz., to Anwiek one and Morpath another, being evill and moorish way.

16 April.

From Mr. Pye's house in Morpath we eam the first stage to Neweastle, wher wee saw ane great court laid with whyte and blaek marble, all lyke lozens. Then of that eourt, a pretty Counecll roome, laid both in the sydes and the ground with marble, and ane exeellent ehimney of polished marble; besyd many other things quhieh this may mind me of.

17th April, Sabbath-day.

Wee wer this day at Durhame all night, wher wee went to ehureh and saw Divine serviee performed and the Bishop's house.

18th April, Munday.

Wee eame to Darnetoun and dyned, and from thenee to North Allertoun, wher wee lodged all night.

19 April, Tuesday.

From Allertoun wee eam to Borrowbridge, wher wee dyned, and from thenee to Ferriebridge, wher wee stayed all night.

20 April, Wednesday.

From Ferriebridge we eam over Trent, to a toun over against Marnam, quhere wee wer all in hazard of being drouned, and was 12 of eloek at night befor wee gott off.

16 April, Thursday.

Wee eame to Cauldsweth, and in that day's journey I saw Newwark and Grantham, wher is the hiest steeple in all England.

17 April, Friday.

Wee eame to Stiltoun; quhich day I saw the toun of Stamford, a pretty toune, less then Glasgow.

12 Deeember (1678.)

I gave the Sheriff Deput my last diseharge of the few dueties of Yoeker and Blaweart, till the year 1671. Blaekhall and Zaeharie presentt; subseribed by Mr. Hugh Mountgomerie, so that ther is only oweing frae the 1671 till the year 1674: for I payed other 3 years to Mr. Ezekiell in summer last.

London, 26 February 1695.

Compt of some things bought ther:

My Pieture, ...	£120	00	00
A Twiss string, ...	11	08	00
Charitie to the Seottis eorporation, . . .	120	00	00

Pollok, 13 September 1706.

Item, That day Margaret Maxwell, daughter to my unele, the deceast Zacharie Maxwell of Blawearthill, was maried to Mr. Robert Stewart, one of the regentis of the Colledge of Edinburgh; with whom I gave 4000 merks of toeher, payeable at Martinmas 1707, with annualrent therafter. Since paid.

Edinburgh, 3d January 1707.

Given to Mr. John Cunyngham for his lessons, both on the Institutes and Scotts law, upon John Maxwell's accompt, 5 guineas.

Edinburgh, 22d April 1707.

Paid to Mr. Robert Stewart 2000 merks, that was left by my deceast wyfe, Dam Marion Stewart, by her appoyntment. 27 August 1707.

Edinburgh, 23d April 1707.

Paid to Mrs. Anne Stewart, reliet of James Maxwell of Blawearthill, 1000 merkis Scotts, that was left to her by my deceast wyfe, Dam Marion Stewart, by her appoyntment, the 27 August 1707.

Edinburgh, 14 November 1707.

Paid to Mr. Robert Stewart 2000 merkis of his toeher with Margaret Maxwell, and gave bond for the other 2000 merks, payeable at Witsunday, with annualrent from Martinmas last, in compleit payment thereof. Since paid.

Edinburgh, 15 December 1707.

For Mr. Maxwell's Colledge, on the Pandects, to Mr. Cunyngham 5 guineas, and to his man half a croune.

Edinburgh, 10 March 1708.

When I went to see my sister Rosyth, I gave her 25 guineas in part of the 1000 merks my mother ordered me to paye her when she died: The guineas went then at 21s. and 6d. sterling.

Edinburgh, 5 April 1709.

To paye Mr. Maine for the jewels gotten for Lady Anne Carmichall, £205 : 05 : 11s. sterling, when she was maried to Mr. Maxwell, conform to his receipt.

Edinburgh, 13 April 1709.

I lent to John Maxwell, when he went to his maricage, and the day I left him at Carmichall, 360 lib., being 30 lib. sterling, for quhich I gott 10 lib. sterling further, quhich came to 40 lib.

27 April 1709.

Given to Mr. Cæsar, the Prussian minister, 5 guincas, for building a meeting house at London, for the Calvinists of the King of Prussia his dominions.

Edinburgh, 20th June 1709.

Signed a bond to Dr. James Baird and his children, James, Patriek, John, and Marion Bairds, of 1330 lib. principall; quhereof the annualrent of 1000 merks is to be paid to the Dr. dureing his lyfe, from Witsunday 1709; and the annualrent of the remnant of that soume is to be paid to the above named children, equallie betwixt them and the survivors of them, dureing the doctor his lyfe, from the term of Witsunday last. The soume is 663 lib. 6s. 8d., quherof the annualrent is to be paid to the bairnis from Witsunday 1709, and the Doetor discharged of the principall bond and decreet following theron, on the 17 June instant.

Edinburgh, 8 March 1710.

John Maxwell and I signed a bond of 5000 merks of toeher to Mr. David Lauder, advocat, when he was maried to Marion Maxwell this daye, payeable at Martinmas next, with annualrent therafter.

Pollok, 23d April 1714.

Grizall Maxwell was maried to young Barns, to whom I gave bond for 8000 merks, payeable at Witsunday 1715, of toeher.

Edinburgh, 28 February 1716.

Signed witnes to ane assignation to the trusties therin named by David Lauder, advoeat, for the behoove of his two ehildren, Jean and Marion Lauderis, for the soume of 10,000 merks equally betuixt them; and the bonds wer delyvered to Robert Alexander of Blackhouse, one of the Clerks of the Session, as one of the trustees, to be keeped for the ehildren's use.

Pollok, 19 April 1717.

I bestowed on Mr. Robert Woodrow 1000 merks.

Edinburgh, 1st November 1717.

Payd to Joseph Cave, for cutting a fyne seal of my armes on a cornellian stone, sett in gold, in all, 6 lib. 15s. sterling.

Edinburgh, 6 June 1718.

Advaneed 2 guineas to Mr. James Anderson for his book Diplomata Scotiæ, upon his receipt and obleisment to delyver the book against the 19 March 1719.

Edinburgh, 14 July 1718.

Bought of Mr. James M'Ewen, bookseller, a great London Byble, and paid him therfor 5 guineas—£63 : 00 : 00.

Pollok, 20 Oetober 1718.

Given to Prineipall Stirling my demission as Rector, and nomination of Gorthie to be leeted in my plaee for the next yeir; together with Mr. Forbes' prineipall lettre, when I was removed from being Rector in the 1717, to be returned to me again.

Pollok, 2d May 1719.

Charitie to Marie Stewart, Seottstoun's daughter, 3 guineas; and promised to give 2 guineas yearly, one quherof to be paid at Martinmas next, whyle she and I leives, being now about 75 yeares.

Pollok, 10th October 1719.

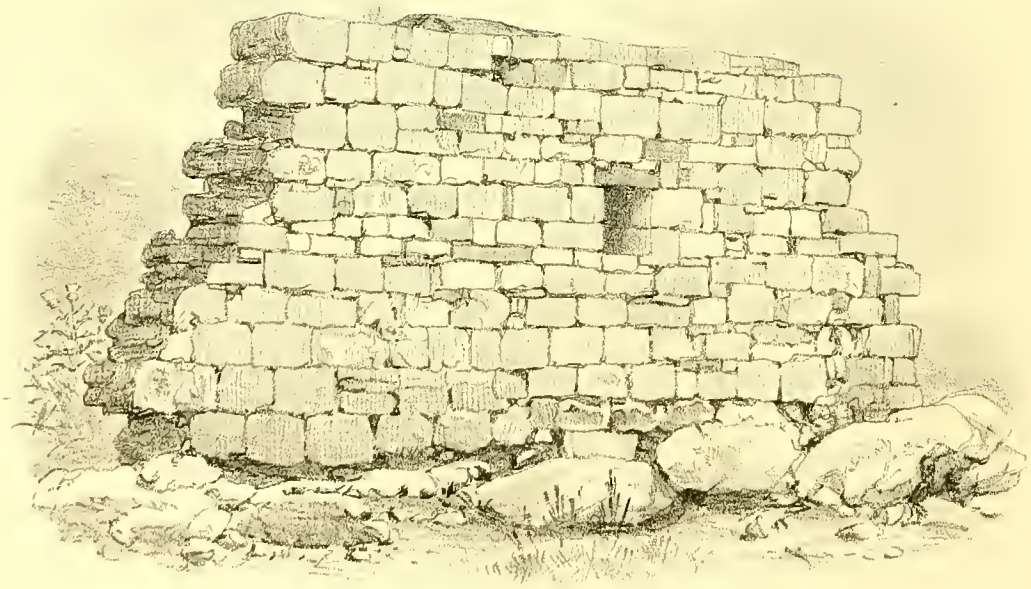
Given to Mr. Robert Woodrow £5 sterling.

Pollok, 12 October 1719.

Aggried with John Smith, sclaiter in Glasgow, to keep my houses of Pollok and the Hagges, together with my Ile at the Kirk, suffieiently drye; and when slaites eomes out, to be repaired (exeept wher ther is ane ell of work to be repaired, quhieh is to be payed at the ordinar rate); and all this is to be done whenever he is aequainted therwith; and to poynt these houses sufficiently when requyred therto; for whieh he is to have 10 merks and a boll of meale, together with 2s. sterling for all nailes that may be wanting for the said serviee, as the aggried pryce yeirly betuixt him and me; and this in full satisfaction of all he ean erave. All which he is oblidged to perform under the paine of ten merks: And this aggriement is to last for seven yeares, and to be farther extended in due form.

Edinburgh, 6th November 1719.

Charitie to the Episcopall Ministers, a guinea.



REMAINS OF THE OLD CASTLE OF POLLOK

REFERRED TO AT PAGE 3.

ABSTRACT OF THE FOREGOING CHARTERS AND FAMILY PAPERS.

Page

1. Charter by King William the Lion to Robert son of Maeeus, of a earueate of land in the territory of Lesedwin: To be held in feu and heritage for payment of twenty shillings yearly, and the rendering of all the serviees whieh used to pertain to that land, exeept ploughing and reaping. Forfar, 28th Deeember [1200], ... 121

2. Confirmation by Pope Honorius III. of a grant made by Joeeline Bishop of Glasgow, and Florence Eleet of Glasgow, to the Prior and Convent of Paisley, of the ehurehes of Catheart, Rutherglen, Carmunnock, Kilbarehan, Mearns, and Pollok, with all the possessions thereof. Reate, 12th June [1219]. *Original in Abercorn Charter Chest,* 121

3. Charter of Confirmation by King Alexander II. to M., formerly Thane of Calentyr, of the whole land in which he had been infeft by J. Maeeuswel, the King's ehamberlain, and others, in exeambion for his lands in the valley of Nyth aud iu Calentyr, whieh had formerly belonged to Edgar son of Donald, and Affriea daughter of Edgar: To be held of the King and his heirs in feu and heritage for the serviee of one knight. Seone, 30th June [1233]. *Original in the possession of the Editor,* 122

4. Charter of Confirmation by King Alexander III. to Maleolm son of Dunean, and Eva, sister of Maldon Earl of Lenenax, of a grant made to them by the said Earl of the lands of Glaskhel, Brengoenis, and a earueate and a half of the land of Kelnasydhe, together with the gift of the ehureh of Mouiabroed: To be held aeeording to the tenor of their eharter thereof, saving the King's serviee. Roxburgh, 30th April [1251]. *Ibid.,* 123

5. Charter by William Coningburgh, son of Sir William Coningburgh, Knight, to Herbert, son and heir of Sir Eymer Maxwell, of a earueate of land in Langholm, with the eommou pasture of Langfell, and half a earueate of land iu Brakanawra: To be held for 12 pennies yearly; with the privilege of grinding his eorn without multure at the grauter's mill of Stapilgorton. [c. 1270], 124

6. Charter by Herbert Maxwell, Knight, to the ehureh of St. James and St. Mirren of Paisley, and the monks serving God there, of eight and a half aeres and twenty-eight partieates of land in the Newton of Mearns, in exehange for eight and a half aeres and twenty-eight partieates of land whieh they had in the territory of Aldton, and whieh they had given to the granter. [c. 1300]. *Cartulary of Paisley,* 125

7. Charter by Herbert Maxwell, Knight, of six merks of annualrent from his mills of Mearns: To be held in pure and perpetual alms, free from all seeular serviee, for the support of a ehaplain to perform divine serviee in the parish ehureh of Mearns for the living and

Page

the dead; the right of presenting the chaplain being reserved to the granter and his heirs. [c. 1300]. *Ibid.*,..... 126

8. Obligation by Herbert Maxwell, Knight, to the Abbot and Convent of Paisley, to find a chaplain to officiate in the church of Mearns for ever; the granter binding himself and his heirs, in case of contravening the ordinance contained in his letter relative thereto, to pay for each contravention ten merks in name of penalty, to be applied to the use of the monastery of Paisley; the ordinance to remain in force nevertheless. [c. 1300]. *Ibid.*,..... 127

9. Charter of Confirmation by King Robert I. of a grant by the deceased John Kinross, Knight, to the Monks of Cupar, of the lands of Cambow, Duny, and Clargis, in Glenyleff, and two merks of annualrent of Auchinlesk: To be held by the monks in pure and perpetual alms, according to the charter thereof by the said John, saving the King's service. Perth, 12th July [1316],..... 128

10. Charter by Robert Maxwell, Lord of Mearns, to Sir John Maxwell, Knight, Lord of Nether Pollok, and the Lady Isabella his spouse, of the lands of the Dripps, in the barony of Kilbrideshire and county of Lanark; reserving to the granter and his heirs the hill next to the town of the Dripps, with the stone erected on its summit, for holding courts when necessary: To be held by them, the longer liver of them, and their lawful heirs; whom failing, the heirs of the said Sir John, for rendering the service due and wont. Perth, 4th March 1371. *From a Transumpt in* 1489. *Vide* No. 62 *infra*, ... 129

11. Charter by Robert Earl of Strathearn, and Euphemia his spouse, Countess of Moray, to John Maxwell, of the whole east half of all their lands of Bardralle, Baddynhath, and Glenframedy, with their pertinents, all within the earldom of Strathearn: To be held for three suits at the three head pleas of his court of Strathearn; and for payment to him and his heirs of a pair of white spurs or twelve pennies sterling, in name of blench farm, at Whitsunday, if asked, for ward, relief, marriage, and all other services exigible from the said lands. [c. 1366]. *From a Notarial Copy at Pollok, made in* 1694, *of the original in the Gleneagles Charter Chest*,... 130

12. Charter of Confirmation by David Stewart, Earl of Strathearn, to Sir John Maxwell, Knight, and Isabella his spouse, of the east half of the lands of Bardralle, Baddynhath, and Glenframedy, in the earldom of Strathearn, which belonged to the said Sir John, and had been resigned by him in the granter's hands: To be held by them and their heirs; whom failing, by the heirs of the said Sir John or his assignees, in feu and heritage, for three suits of the granter's court of Strathearn, at the three head pleas, and for payment of a pair of white spurs or twelve pennies sterling, in name of blench farm, at Whitsunday, if asked. Edinburgh, 10th May 1372. *Original in the Gleneagles Charter Chest*, ... 131

13. Charter of Confirmation by King Robert II. to John of Maxwell, Knight, and Isabella his spouse, the King's niece, confirming the charter granted to them by David Earl of Strathearn, the King's son, of the east part of the lands of Bardre and Bardynhayth, in the earldom of Strathearn and shire of Perth: To be held by them for payment of the sums and rendering the services mentioned in the said Earl's charter, saving the King's service. Edinburgh, 24th April [1374]. *Original in the Gleneagles Charter Chest*,..... 132

Page

14. Charter of Excambion by John Maxwell, Lord of Pollok, to Sir Bernard Haldane, Knight, of his lands of Barderole, lying in the earldom of Strathearn and shire of Perth, for the lands of Jackton, lying within the shire of Lanark: To be held by the said Bernard, and his heirs and assignees, of the granter and his heirs, as freely as the latter held them of the Earl of Strathearn, for payment to the granter of a silver penny, in name of bleneh farm, at Whitsunday, npon the ground of the said lands, if asked only, and for rendering to the Earl of Strathearn and his heirs the service dne and wont. Edinburgh, 6th May 1388. *Ibid.*,..... 133

15. Charter of Confirmation by Enphemia (dowager) Countess of Strathearn to John Haldane, Knight, of the grant made by the deceased John Maxwell, Lord of Pollok, to the deceased Bernard Haldane, Knight, the grantee's father, of the lands of Barderoll, lying within the earldom of Strathearn: To be held on the conditions mentioned in the charter granted by the said deceased John Maxwell to the deceased Sir Bernard. Perth, 26th June 1414. *From a Notarial Copy at Pollok, made in* 1694, *of the original in the Gleneagles Charter Chest*, ... 134

16. Charter by John Maxwell, Lord of Pollok, to his son Robert, of the land of Jackston, in the barony of Kilbride and shire of Lanark: To be held by the said Robert and his heirs-male; whom failing, by the heirs-male of Sir John, son of the granter; whom failing, by the nearest lawful heirs of the said Robert, in fen and heritage, for rendering to the lord superior thereof (James Stewart, Lord of Kilbride) the service dne and wont. Pollok, 15th May 1390, 135

17. Charter by James Stewart, Lord of Kilbride, to Robert Maxwell, son of Sir John Maxwell, Lord of Nether Pollok, and the heirs-male of his body, of all the lands of Jaekton, as they lie in the barony of Kilbride and shire of Lanark; which lands the said Sir John Maxwell resigned to the granter: To be held by the said Robert and his heirs-male; and, in the event of Robert predeceasing his father, by the latter during his life; and after his deecase, by the heirs-male of the said Robert; whom failing, by Sir John Maxwell, Knight, son and heir of the foresaid Sir John, and his heirs-male; whom failing, the said lands to revert to the heirs whomsoever of the foresaid Robert entirely and for ever. Rutherglen, 25th January 1394, 135

18. Instrument of Publication of a charter by Archibald Earl of Douglas to John Maxwell, Knight, Lord of Pollok, and Elizabeth his sponse, of the lands of Whitchester, in the barony of Hawick and shire of Roxburgh, which belonged to her, and which she had resigned: To be held of the granter and his heirs for service in foreign parts: which charter was dated at Bothwell, 6th May 1399. Done at Cassillis, in Carrick, 4th September 1401,..... 137

19. Letters of Confirmation by James Stewart, Lord of Kilbride, of the gift, by Sir John Maxwell, Lord of Nether Pollok, to his son Robert, cousin of the granter, of the lands of Calderwood, in the barony of Kilbride, and shire of Clydesdale, with all the privileges and pertinents thereof, as described in the charter made to the said Robert by the said Sir John his father: saving to the granter the service dne and wont. Dunbarton, 21st October 1400, ... 138

20. Indenture between Sir John Maxwell, Knight, Lord of Nether Pollok, and Robert Maxwell, his second son, on the one part, and Sir John Maxwell, Knight, his eldest son, on the other part, whereby the former bind themselves to resign in the overlaird's hands the ten merks' worth of land called Murraf and the Hedhouse, in the barony of Kilbride, and shire of Lanark.

Page

that the latter might be seised therein: Also Sir John, the father, binds himself to give sasine to Sir John his son, and his heirs, of the fee of the lands of Castlebar, Mathewbar, and Dykebar, in the barony of Renfrew, and to obtain for him or them the King's confirmation thereof; and farther binds himself not to alienate or wadsett any of the lands of Pollok, Murraf, Hedhonse, or Carnwederiek, which belonged to Sir John, his son, in fee and heritage: and the said Robert takes upon himself the charges of warrandice of all lands received by him from his said father, and quitelaims the said Sir John, his brother, thereof for ever: and the latter quitelaims all right to the lands of the Dripps, Jaekton, and Allerton, Newland, Calderwood, and Greenhill, etc., granted by his father to the said Robert; saving the ten merks' worth of land called Murraf and Hedhonse, Pollok and Carnwederick, and saving the sueeession of line, failing the said Robert or his heirs. Sealed interehangeably at Dunbarton, 18th Deeember 1400, ... 139

21. Charter by Alexander Tayte, Lord of Bardre, to Robert, son of John Maxwell, Knight, Lord of Nether Pollok, for his eounsel, aid, and good deserts, of the lands of Bardre, in the shire of Strathearn: To be held for payment of 12 silver pennies Scots yearly, at the prineipal plaee of Bardre, in name of bleneh farm, if asked only. Ayr, 1st Febrnary 1400, ... 142

22. Charter by John Maxwell, Knight, Lord of Pollok, to Robert Maxwell, his son, of the lands of Calderwood, in the barony of Kilbride, and shire of Lanark: To be held of the Lord of Kilbride and his heirs, for payment of six silver pennies yearly, at Whitsunday, in the parish ehureh of Kilbride, in name of bleneh farm, if asked only, for wards, marriages, reliefs, suits of eourt, and all other serviees or demands for the said lands. Pollok, 4th May 1401, ... 143

23. Charter by John Maxwell, Lord of Nether Pollok, to Robert Maxwell, his son, of the lands of Little Aikinhead, with the pertinents, lying in the shire of Lanark: To be held for rendering to the lord superior thereof the serviee due and wont. [c. 1401],..... 144

24. Indentnre between Sir Duncan, Earl of Levynnax, on the one part, and Sir Robert Maxwell of Calderwood, and Sir William Cunningham of Kilmaurs, with eonsent of their sponses, daughters of the deeeased Sir Robert Danielston, on the other part, whereby the Earl binds himself to "eharter and eonfirm" Sir Robert and Sir William, and their sponses, in the lands of Anchineloeh, which formerly belonged to John Anehineloeh; also, the said Sir Robert and Sir William, with eonsent of their sponses, bind themselves to let to the Earl during his lifetime, all their lands of Erraehy More, Ineheeallaeh, Aehawle, and Inehefad, with all other isles thereto belonging within Loehlomond at the making of this indentnre, for 12 silver pennies yearly, to be paid as mail at Whitsunday and Martinmas, if asked, at the kirk of Ineheeallaeh; with the patronage thereof as often as it should happen to be vaeant during the said Earl's lifetime: also, the Earl beeomes bound neither to give, sell, nor wadset the woods of the foresaid isles without eonsent of the foresaid parties, but only to employ them for his own proper use; and Sir Robert and Sir William are to have their own woods for their own proper use, in like manner: and the latter parties, with eonsent of their spouses, give up to the said Earl, and his heirs, all wards, marriages, and reliefs, for which the late Walter Awlasonn, the Earl's father, was bound to Sir Robert Danielston and his heirs. Sealed interehangeably at Balloeh, 18th Oetober 1405,..... 145

25. Notarial Instrument relative to the partition, by John Semple of Elliotston, sheriff of Renfrew,

Page

and an inquest of fifteen persons, of the lands of Hullersheadhill, between John Stewart, Lord of Daruley, and Sir John Ross of Hawkhead, whereby twelve cows' grass were assigned to the latter—as much as was possessed by John Whiteford in Hillfield, and John Fleming in the Allers: and he was likewise to have a road to the moss, and, after the leading of his peats, to make a gate, or cause repair his own treueh. Done at Hullersheadhill, 14th December 1413. *From a copy of the original at Hawkhead,* 146

26. Indenture between James Stewart, Lord of Kilbride, aud Sir Robert Maxwell of Calderwood, for the marriage of George Stewart, sou and heir of the former, and Marion Maxwell, daughter of the latter, by his first marriage; whereby the said James binds himself to infeft George and Marion, and their heirs in his barouy of Kilbride; under entail, failing the heirs of the said parties, to the eldest of the said James' sons who should happen to be heir, and a daughter of the said Robert, who should enter in the said barony as heirs of the said George and Marion, and be married in like manner; and failing the sons of the said James, to his eldest daughter, and a son of the said Robert, they to enter as heirs in the said barony by virtue of the said entail; aud so on, while the said James and Robert have sons and daughters. And the said Robert binds himself to pay to the said James £10 Scots yearly, during his life, for Philpshill, for his part of Boysfield and Over Calderwood, and all the mail of all the lands falliug iu ward iu the said barouy, and all the reliefs and half escheats of courts thereof happening to be paid to the said James; and he binds himself likewise to pay the half of the said mails and reliefs, etc., to Isabel, wife of the said James, dming her life, after her husband's death; and to use his endeavours to recover the lordship of Elamton, aud in the event of succeeding, to cause the said James and Isabel to be jointly infeft in the franktenemeut thereof, and the ehildren (George and Marion, etc.), in fee. And failing the recovery of the said lands by Robert, the said ehildren being espoused, he binds himself to pay to the said James and his heirs, for the said marriage, £100 at Whitsunday and Martinmas following the completion thereof. Sealed interchangeably at Lanark, 7th April 1416, ... 148

27. Charter by Archibald Earl of Douglas to Sir Robert Maxwell of Calderwood, Knight, of the lands of Nether Calderwood, in the barony of Kilbride, and shire of Lanark: To be held as freely as the granter or his predecessors held the same. Edinburgh, 31st May 1416, ... 150

28. Testament of Sir Robert Maxwell, Knight, (made by Robert Maupoint, M.A., of Paris, residing at Chinon, and proved by him before the viear official there,) wherein he leaves his soul to Almighty God, the most blessed Virgin Mary, and the whole eourt of heaven, and his body to be buried in the ehurch of the Minorite Friars, in the eity of Angers; ordains that his testament made in Scotland should stand in full force; and that all the debts due by him in France, to his chaplains, servants, and others, should be paid; grants to the Minorite Friars for his interment and for their prayers, 34 crowns of gold: to other chaplains for celebrating masses for his soul, 20 nobles; for one mass to be performed in the church of Angers by one monk, for a year, counting from the day of his death, bread, wine, and 10 crowns of gold; for charity, masses, and to the religious mendieants of Angers for conductiug his funeral, 30 gold uobles; for erectiug a tomb in the manner devised by himself and his exeeutors in the church of Angers, 50 gold nobles; to his wife, some silver plate, etc., which he had at Chinon, and, should she come to France, his hackney and various effects, which were otherwise to be sold.

Page

He bequeaths, likewise, legacies to his eldest son, his sister, and other relatives and dependants. The testament is dated, Chinon, 7th September 1420, and confirmed there 23d April 1421, 151

29. Confirmation by King James I., of a charter, dated Edinburgh, 28th October 1420, by Murdoch Duke of Albany, Governor of Scotland, to Herbert Maxwell of Carlaverock, of the lands of Carnsalloch and Dursqwen, with the mill thereof, in the barony of Dalswinton and shire of Dumfries; which lands belonged to Mary Stuart of Dalswinton, and were resigned by her in the granter's hands: To be held by the said Herbert Maxwell and his heirs of the King and his heirs as freely as the said Mary Stuart or her predecessors had held the same, for rendering to the King and his heirs the services due and wont. 4th May 1426. *Reg. Mag. Sig. Lib.* 2, No. 49, ... 155

30. Confirmation by King James I. to Robert Maxwell, son and heir of Sir Herbert Maxwell, Knight, Lord of Carlaverock, and Janet, daughter of John Forrester, Lord of Corstorphine, of a charter to them (dated Edinburgh, 13th January 1424), by Thomas Somerville, Lord of Carnwath, of the lands of Liberton, in the barony of Carnwath and shire of Lanark; which belonged to the said Sir Herbert, and were resigned by him in the granter's hands: To be held by the said Robert and Janet, and their lawful heirs male; whom failing, by the said Sir Herbert, and his lawful heirs-male; whom failing, by his brother Aymer Maxwell, and his heirs-male, (and in the event of Robert dying before the completion of his marriage with Janet, the lands to revert to the said Sir Herbert, and his heirs foresaid, upon payment to the said John Forrester, his heirs or assignees, of the sum in an indenture between him and the said Sir Herbert,) of the said Thomas and his heirs, for the service used and wont. Edinburgh, 4th February 1424. *Ibid, Lib.* 2, No. 3, ... 157

31. Charter by Alan Stewart, Lord of Darnley, to Robert Dalzell of Lebracanrig, of the lands of Brownside, with the pertinents, lying in the barony of Strathaven, and shire of Lanark: To be held of the granter and his heirs, by the said Robert and his heirs, for three suits of court at the three head pleas to be held at Elamton. Cruickston, 5th December 1429, ... 159

32. Precept of Sasine by Alan Stewart, Lord of Darnley, for infefting Robert Dalzell of the Bracanrig, in the lands of Brownside, lying in the barony of Strathaven, and shire of Lanark. Cruickston, 10th December 1429, ... 160

33. Notarial Instrument upon the ratification by Catherine Seton, lady of Darnley, of the charter by Alan Stewart, Lord of Darnley, her spouse, to Robert Dalzell, of the lands of Brownside, lying in the barony of Strathaven, and shire of Lanark: For which ratification the said Robert is bound to give to the said lady of Darnley advice and assistance in all matters affecting her, and to assist her against all men, the King and the feuars of the said Robert alone excepted. Done at the Castle of Cruickston, 27th August 1430,..... 161

34. Obligation by Alan Stewart, Lord of Darnley, to Robert Dalzell of Breakenrig, that if either the former, his heirs, or Catherine Seton, his spouse, or any in their names, should advance a claim to, or disturb the latter in the possession of the lands of Brownside and Ryelandside, lying in the barony of Strathaven and shire of Lanark, they should be bound to give him or his heirs as much and as good land of the lands of Galston, with as free charter, sasine,

Page

and possession as he was infeft in the said lands of Brownside and Ryelandside; the charters and infeftments of the latter lands to be, notwithstanding, of the same force and virtue as they were before that claim was made. Cruickston, 2d February 1433, ... 162

35. Precept under the Great Seal by King James II. to the sheriff of Lanark and his bailies, to give effect to the decree of the Lords Auditors of Parliament for the reduction of the tack granted by John Maxwell of Calderwood to Thomas Maxwell of Pollok, of the lands of Aikinhead, recalling the royal letters upon the said tack, and decerning the ward of the lands to remain with the said John Maxwell. Edinburgh, 3d June 1441, ... 163

36. Obligation by John Forrester of Corstorphine to Sir John Maxwell of Calderwood, to deliver up to the latter, or his heirs or assignees, the annualrent of £20 from the lands of Blackburn, Mauldslie, and Finlaston, with the charter made thereupon, on payment by the said Sir John, or his heirs or assignees, to him, his heirs or assignees, upon the high altar of the college kirk of Corstorphine, of the sum of 500 merks. Corstorphine, 8th January 1443, ... 165

37. Instrument of Resignation by John Maxwell, son and heir of the deceased William Maxwell of Aikinhead, in the hands of Sir John Maxwell of Calderwood, of an annualrent of £5 from the lands of Mauldslie, in the shire of Lanark. Blantyre, 1st August 1446, ... 166

38. Instrument of Sasine by Robert Boyd, Lord of Kilmarnock, and Baron of the barony of Dalry, superior of the lands of Ryesholm, in favour of John Boyle of Wamphray, of the lands of Ryesholm. Ryesholm, 11th October 1446,..... 166

39. Licence under the Great Seal of King James II., authorizing Herbert Lord Maxwell and his heirs to build a tower or fortalice on his lands lying in the barony of the Mearns and shire of Renfrew, and to fortify it with walls and ditches, iron gates, and warlike apparatus. Edinburgh, 15th March 1449. *Original among Mearns Charters at Ardgowan,* 167

40. Liferent Tack under the Privy Seal by King James II. to his "loved familiar squire," Walter Stewart of Arthurlie, of the lands of Perthwic, in the barony of Renfrew and sheriffdom thereof: To be held of the King and his heirs by the said Walter and his subtenants for payment yearly, during his life, of £10 in name of mail. Edinburgh, 22d November 1451,..... 168

41. Notarial Transumpt, dated Edinburgh, 30th May 1494, of an Indenture made between Sir Herbert, Lord Maxwell, on the one part, and Sir John Maxwell of Pollok on the other part, whereby the former binds himself to give to the latter, or his lawful attorney, heritable state and possession of the lands of Nether Pollok, to be held in chief of himself after the tenor of the old charter thereof: For which lands the said Sir John Maxwell binds himself and his heirs to pay to the said Lord Maxwell, and his heirs or assignees, half a mark of annual, if asked, and to be man to his Lordship and to his son Robert against all men, the King only excepted, for two years following his entry to the same, etc. Carlaverock, 6th February 1452, ... 169

42. Discharge by John Stewart, Lord of Darnley, to Hugh Campbell, brother-german to Sir George Campbell of Loudoun, Knight, Sheriff of Ayr, and to Catherine Blair his spouse, of all right

Page

to the lands of Brownside, in the lordship of Elamton, barony of Strathaven, and shire of Lanark; reserving the superiority. Edinburgh, 24th March 1452, ... 172

43. Ratification by John Stewart, Lord of Darnley, of the disposition by John Dalzell of Breakenrig to Hugh Campbell, brother to Sir George Campbell of Loudoun, Sheriff of Ayr, and to Catherine Blair his spouse; and also of the Confirmation by his mother, Dame Catherine Seton, to the said Hugh Campbell and Catherine Blair, of the gift of the lands of Brownside made to them by the said John Dalzell; reserving his superiority: the said Hugh and Catherine rendering for the said lands the service due and wont. Edinburgh, 26th March 1453, ... 173

44. Instrument of Sasine, proceeding upon a brieve from the Chancery of James II., directed to the Sheriff of Renfrew and his bailies, for infefting Robert Lord Maxwell, as heir of the late Herbert Lord Maxwell, his father, in the lands of Mearns and Nether Pollok, which were held in chief of the King as Steward of Scotland: taking security for two red roses as the duplication of the blench farm of the lands of Mearns, and for £20 of relief of the lands of Nether Pollok. Done at the places of Mearns and Nether Pollok, 28th May 1454, ... 175

45. Charter by John Maxwell of Calderwood, Knight, to his eldest son John, for his advice and assistance, of all and whole the lands of Park and of Kincadzowlaw, with a merk's worth of the land of the Law, in the barony of Mauldslie and shire of Lanark: To be held by the said John, and Marion Boyd his spouse, and their heirs-male; whom failing, by the granter's heirs whomsoever, as well of line as of entail, in conjunct fee and in feu and heritage for ever, for a common suit at the granter's courts to be held yearly in the said barony, with wards and reliefs when they occurred. Calderwood, 20th July 1454. *From a Transumpt in* 1489. *Vide* No. 62 *infra*, ... 176

46. Instrument of Sasine given by Robert Lord Maxwell in favour of Lady Catherine Seton, Lady of Darnley, of 20 merks' worth of old extent of the lands of Hazeldean, in the lordship of Mearns and barony of Renfrew. Done upon the lands of Hazeldean, 9th July 1456, ... 177

47. Commission by Pope Pius II. to the Abbot of Kilwinning and the Provost of the church of Bothwell, to confirm to Patrick Culquhoun of Glyn a feu-charter by William Bishop of Glasgow, with consent of his Dean and Chapter, to William Turnbull, Canon of Glasgow, of a portion of the land of the Stabilgrenne: To be held of the Bishops of Glasgow in feu and heritage, for payment of ten shillings of annualrent, and tenpence for burgage farm of the city of Glasgow. Given at Viterbo, 22d May 1462, ... 179

48. Instrument of Resignation by Catherine Seton, Lady of Darnley and Maxwell, with consent of George Maxwell, her eldest son by the deceased Herbert Lord Maxwell, in the hands of Robert Lord Maxwell, son and heir of the said Herbert Lord Maxwell, superior of the lands and lordship of Mearns, of the lands of Hazeldean, Tytonte, Hundby, Little Shaw, Whitehill, Shawhill, and 20 shillings' worth of the lands of old extent of Kirkhill. Done in the choir of the church of the preaching friars of Glasgow, 19th July 1468, ... 181

49. Instrument of Sasine in favour of James Campbell of Breakenrig, of the lands of Brownside,

Page

lying in the barony of Strathaven and shire of Lanark; whieh sasine was given by Alexander Stewart of Galston, bailie of John Lord Darnley, superior of the said lands. Brownside, 5th May 1470, ... 183

50. Notarial Transnmpt (dated 8th July 1476) of a Letter of Obligation by John Lord Darnley to eonnsel, help, and take part with John Maxwell of Nether Pollok, and be good lord to him in all his quarrels against all other parties, his allegianee to the King only exeepted, and also to grant to the latter a liferent taek of the lands of Glanderston. Darnley, 20th November 1471, 184

51. Instrument of Resignation by Aymer Maxwell in the hands of Robert Lord Maxwell, his father, of the lands of Hazeldean. Done in the parish chureh of Dumfries, 23d September 1473, ... 185

52. Bond of Reversion by George Maxwell of Carnsallocli, and Agnes his sponse, to John Earl of Levenax and Lord Darnley, of eight merks' worth of land of old extent of the west part of Henryston, lying in the shire of Renfrew, upon payment by the latter, his heirs or assignees, on Midsnmmer day, in the ehureh of the preaehing friars at Glasgow, of the snm of 100 merks. Glasgow, 3d Oetober 1477, ... 186

53. Charter of Confirmation by John Lord Maxwell and of Mearns, of a Charter by Sir John Maxwell of Calderwood, Knight, to Gavin Maxwell, his son and apparent heir, of the lands of the Dripps, in the barony of Kilbrideshire and eonnty of Lanark: To be held of Lord Maxwell and Mearns in fen and heritage, for rendering yearly to the lord of Kilbrideshire and his sneeessors the services dne and wont, and also rendering to the said Lord Maxwell the serviees dne and wont; the granter reserving the frank-tenement of the said lands to himself during his life, and a reasonable teree to Marion Boyd, his spouse, after his death. The Charter and Confirmation dated at Edinburgh, on 6th and 8th April 1481. *From a Transumpt in* 1489. *Vide* No. 62, *infra*, ... 188

54. Instrument of Sasine, on a preeept by Sir John Maxwell of Calderwood, Knight, to George Maxwell of Carnsalloeh and others, his bailies, for infefting Gavin Maxwell, his son and apparent heir, in the lands of the Dripps, in the barony of Kilbrideshire and eonnty of Lanark; whieh preeept was dated at Edinburgh, 9th April 1481. Done on the gronnd of the said lands, 26th April 1481, ... 189

55. Instrnment of Sasine in virtue of a preeept from the Chaneery of King James III., direeted to the Sheriff of Renfrew and his bailies, for infefting John Lord Maxwell in the superiority of the lands of Nether Pollok, lying in the barony of Renfrew and shire thereof; of which snperiority his grandfather, Robert Lord Maxwell, had died seised, and which was held in ehief of the King's eldest son, James Duke of Rothsay, Earl of Carriek and Steward of Seotland. The preeept direets that seenrity be taken for £20 for one term during which the superiority was in the hands of the Steward, and also for £40 of relief due to the King as tntor to the Steward. Done on the gronnd of the said lands, 10th May 1486,..... 191

56. Charter by Sir John Maxwell of Calderwood, Knight, to Gavin Maxwell, his eldest son, of the lands of Jaekton, Allerton, Newlands, and Greenhills, in the barony of Kilbride and shire of Lanark, and of Meikle Blaekburn, in the barony of Bathgate and shire of Renfrew: To be

Page

held by the said Gavin from the granter of the Steward of Scotland in fen and heritage for ever, for rendering to the Steward, the granters superior of the said lands, the service due and wont; the granter reserving to himself the frank-tenement of all the said lands during his lifetime, and a reasonable teree thereof to his wife. Polkelly, 14th February 1486. *From a Transumpt in* 1489. *Vide* No. 62, *infra*, ... 192

57. Preecept of Sasine, direeted by John Maxwell of Calderwood, Knight, to William Mure of Lynflaire and others, his bailies, for infefting Gavin Maxwell, his eldest son, in the lands of Jackton, Allerton, Newlands, and Greenhills, lying in the barony of Kilbride and shire of Lanark. Polkelly, 14th Febrnary 1486. *Ibid.*, ... 194

58. Instrument of Sasine, proeeeding upon the foregoing preecept, in favour of Gavin Maxwell, of the lands of Jackton, Allerton, Newlands, and Greenhills. Done at the respeetive prineipal messnages of the said lands, 29th May 1487. *Ibid.*, ... 195

59. Charter by Sir John Maxwell of Calderwood, Knight, to Gavin Maxwell, his eldest son, of the lands of Mauldslie, in the barony of that Ilk and shire of Lanark: To be held of the granter by the said Gavin and his heirs-male whomsoever; whom failing, by the granter's lawful heirs-male whomsoever; whom also failing, by the true and lawful heirs whomsoever of the said Gavin, in feu and heritage for ever, for payment of one penny yearly at Whitsunday, in name of bleneh farm, if asked only: and reserving to the granter the liferent, and a reasonable teree to his wife; reserving also the hillock of Manldslie, and five shillings' worth of land around it, for the serviees due and wont to be rendered to the King and his sueeessors. Polkelly, 14th February 1486. *Ibid.*, ... 196

60. Precept of Sasine, by Sir John Maxwell of Calderwood, Knight, to William Mure of Lynflare and others, his bailies, for infefting Gavin Maxwell, his son, in the lands of Manldslie, in the barony of that Ilk and shire of Lanark. Polkelly, 14th Febrnary 1486. *Ibid*, ... 198

61. Instrument of Sasine (proeeeding upon the foregoing preecept) in favour of the said Gavin Maxwell, of the lands eommonly called Mauldslie, in the barony of that Ilk and shire of Lanark. Done at the prineipal messnage of the said lands, 26th February 1486. *Ibid.*,..... 198

62. Notarial Transumpt (dated 19th Febrnary 1489) of nine Maxwell Charters, ete. granted to the Maxwells of Pollok, and by the Maxwells of Calderwood, viz.:—Nos. 10, 45, 53, 56, to 61, *supra*, ... 200

63. Preecept of Sasine, direeted by John and Mathew Stewart, liferenter and fiar of the earldom of Lennox and Darnley, to John Maxwell of Pollok and others, his bailies, for infefting Sir John Montgomery of Heighthead, Knight, in the lands of Pottarton and Dieonsbank, lying in the lordship of Darnley and shire of Renfrew. Cruickston, 15th April 1493,..... 201

64. Charter by John Earl of Lennox, and Mathew Stewart, fiar thereof, to Sir John Montgomery of Heighthead, Knight, of the lands of Pottarton and Dieonsbank, lying in the lordship of Darnley and shire of Renfrew, for the sum of £100: To be held in feu and heritage

Page

for ever, for payment of a penny Scots upon the ground of the said lands at Whitsunday, in name of bleneh farm, if asked only. Paisley, 16th April 1493,..... 202

65. Obligation by John Earl of Lennox, and Mathew Stewart his son, to maintain Sir John Montgomery of Heighthead, and his heirs, in the lands of Pottarton and Dieonsbank; and, in the event of the said Earl or his heirs redeeming them, to give Sir John a seven years' taek thereof, from the date of redemption, for payment yearly of 5½ merks, and 16 pennies of penny mail, and 3½ bolls and 3 peeks of bear. Paisley, 16th April 1493,..... 203

66. Instrument of Sasine given by James Hamilton, younger of Shawfield, Sheriff-depute of Lanark, to Robert Maxwell, son of the deeeased Gavin Maxwell, Knight, of the lands of Mauldslie. Done on the ground of the said lands, 8th July 1493,..... 205

67. Notarial Instrument of Cassation upon the annulling by John Lord Maxwell, superior of the lands of Nether Pollok, of the Sasine given by him, in virtue of a preecpt by King James IV., of the lands of Nether Pollok to John Maxwell, on the ground of irregularity in the direetion and serving of the brieve by the Sheriff, and also in the deliveranee of the assize; in token of whieh Cassation Lord Maxwell broke a wooden platter on the lands and also at the prineipal mansion, aeeording to the praetiee in the like cases. Dated 14th May 1494,..... 206

68. Instrument of Sasine given by John Maxwell, Lord of Nether Pollok, to his eldest son, John Maxwell, and Margaret Blair his spouse, of the four merks' worth of land lying on the south of the town of Nether Pollok, and the five merks' worth of land ealled Dykebar, Castlebar, Mathewbar, and Common, within the lordship of Nether Pollok, barony of Renfrew and shire thereof. Done on the ground of the said lands, 6th Oetober 1494, ... 208

69. Notarial Instrument upon the agreement between John Lord Maxwell and John Maxwell of Pollok, eoneerning the tenure of the lands of Nether Pollok: wherein the latter deelared that he and his heirs held the said lands of the former and his heirs in ward and relief for ever; and the former remitted, to the latter and his next heir only, all rights and burdens belonging to him by reason of ward and relief from the entry of the said John and his heir foresaid: also the said John promised to bear, on behalf of Lord Maxwell, all the burdens and serviees ineumbent on him by reason of ward and relief, in the eourts of Renfrewshire; and to pay, at the pleasure of Lord Maxwell, half a merk of annualrent of the said lands alleged to be due to the latter. Done in the parish ehureh of Mearns, 20th April 1495, ... 209

70. Instrument of Resignation by John Earl of Lennox, Lord Darnley, in the hands of King James IV., as Steward of Seotland, of the west half of the lands of Henryston, lying within the shire of Renfrew. Done in the metropolitan ehureh of Glasgow, 8th July 1495, ... 210

71. Charter by John Lord Maxwell to John Maxwell of Pollok, of the lands of Nether Pollok, in the shire of Renfrew, for his serviee done to his Lordship's predeeessors; whieh lands belonged to the said John hereditarily, and had been resigned by him in his Lordship's hands as superior: To be held in feu and heritage, for payment of half a merk of annualrent at Whitsunday yearly, if asked; with the ward and relief of the said lands when they oeeurred, and a eommon suit in the court of the shire of Renfrew. Edinburgh, 3d November 1495, ... 211

Page

72. Preeept of Sasine, by John Lord Maxwell to Robert Maxwell, his brother-german, Charles Pollok of that Ilk, and others, his bailies, for infefting John Maxwell of Pollok in the lands of Nether Pollok, in the shire of Renfrew, whieh had been resigned by the latter in his Lordship's hands as superior thereof. Edinburgh, 4th November 1495, ... 213

73. Instrument of Sasine (in virtue of the foregoing preeept) given by Charles Pollok of that Ilk to John Maxwell of Pollok, of the lands of Nether Pollok. Done at the messuage of the manor of Nether Pollok, 6th November 1495, ... 214

74. Grant by John Lord Maxwell to John Maxwell of Pollok, and his heir next sueeeeding him, of the ward and relief of Nether Pollok, in the shire of Renfrew, whieh were held of his Lordship by the serviee of ward and relief. Edinburgh, 4th November 1495, ... 215

75. Notarial Instrument on the delivery by John Lord Maxwell to John Maxwell of Nether Pollok, of a grant made by the former to the latter, and to his next heir, of the ward and relief of the lands of Nether Pollok. Edinburgh, 3d November 1495, ... 216

76. Deed of Consent by Mathew Earl of Lennox to the alienation, by John Whiteford of Hillfield, of the lands of Hillfield, lying in the barony of Renfrew and lordship of Darnley, to Allan Park of Bagaraw; deelaring that the selling or alienation thereof should not prejudiee the said John or Allan at the hand of the Earl or his heirs, they paying the duties and performing the service used and wont. Glasgow, 9th November 1495, ... 217

77. Retour of the Serviee of Robert Maxwell, as heir of the late Gavin Maxwell of Calderwood, Knight, in the lands of Craigton and Thombow, in the earldom of Lennox and shire of Dunbarton; whieh were then valued at 20 merks yearly, and in time of peaee at £10, aud were held in ehief of Mathew Stewart Earl of Lennox, for the serviee of ward and relief, and half of a eommon suit in the eourts of the said Earl, and had been iu the Earl's hands, as superior, for six years and seven months, sinee the death of the said Gavin. Dunbarton, 16th January 1497, ... 218

78. Preeept by Mathew Earl of Lennox, Lord Darnley and of Hillfield, to Mathew Stewart and others, his bailies, for iufefting John Whiteford, seeond sou of John Whiteford of that Ilk, and Giles Park his spouse, and the longest liver of them, iu the lands of Hillfield, lying in the lordship of Darnley and shire of Renfrew. Plaee of Darnley, 20th Oetober 1499, ... 219

79. Remission by King James IV. to John Maxwell, son and heir-apparent of John Maxwell of Pollok, Hugh Maxwell, brother-german to the Laird of Pollok, and John Maxwell, for premeditated felonies done to John Constable and Hector Mure, son of the Laird of Caldwell, within the town of Renfrew, and for all erimes, actions, and offenees eommitted by them upon the Laird of Caldwell and his servants in times past. Renfrew, 21st January 1500,.. 219

80. Letters by King James IV., eonfirming a wadset by John Maxwell of Pollok to John Lord Semple of Elliotston and his heirs, of the west half of the lands of Henryston, extending to £5 of old extent, in the barony of Renfrew and shire thereof, to be held of the King heritably, but under reversion; and promising for himself and his sueeessors, that when the terms of

Page

the reversion should be fulfilled, the said John Maxwell and his heirs should have full regress to the said lands. Given under the privy seal, at Edinburgh, 3d August 1503, ... 220

81. Obligation by John Lord Semple to John Maxwell of Pollok not to uplift an annualrent of 5 chalders and 8 bolls of victual, being 1 chalder of bere and 4 chalders and 8 bolls of meal, granted to him from the lands of Nether Pollok, in the barony and shire of Renfrew, in special warrandice of the lands of Wester Henderston, so long as he or his heirs were allowed to continue in the peaceable possession of the said lands. Edinburgh, 5th August 1503, ... 221

82. Reversion by John Stewart of Ardgowan of the 20 shilling land, called the Park of Nether Pollok, in the barony and shire of Renfrew, to John Maxwell of Pollok, upon payment, on the altar of the kirk of Paisley, of the sum of 80 merks. Blackhall, 18th May 1504, ... 223

83. Tack by Robert [Blackadder], Archbishop of Glasgow, to Sir John Maxwell of Pollok, of the four merk land of Govan Shiels, in the barony of Glasgow, for five years, from Whitsunday 1505, for payment of such mails, &c., &c., as he had paid in times past. Dumfries, 28th August 1504, ... 225

84. Gift by Mathew second Earl of Lennox to Mr. David Hamilton, parson of Castlestairs, of the ward and nonentry of the lands of Brownside of old extent, lying in the barony of Avondale and shire of Lanark, which were in the granter's hands, as superior thereof, through the decease of the late Hew Campbell of Brownside, and which were held of the Earl by the service of ward and relief; together with the marriage of James Campbell, son and heir of the said deceased Hew: To be held for payment of 80 merks for the said ward, and 120 merks for the said marriage. Edinburgh, 17th February 1506, ... 226

85. Ratification by King James IV., under the Great Seal, dated 4th March 1506, of a decree by the Lords of Council in favour of John Lord Maxwell, for loosing the recognition of the lands of Mearns and Nether Pollok; because their Lordships understood that the least part only of the Mearns was analzied, and had seen charters and evidents bearing that the lands of Nether Pollok were held by Lord Maxwell himself. Edinburgh, 11th December 1506, ... 227

86. Discharge by John Lord Maxwell to Robert Maxwell, vicar of Erskine, and John Maxwell of Aikinhead, for the sum of 300 merks due by them for the ward of the lands of Nether Pollok. Edinburgh, 14th November 1509, ... 228

87. Charter of Confirmation by Mathew Earl of Lennox, Lord Darnley, to John Whiteford of Hillfield and Giles Park his spouse, in conjunct fee, of the lands of Hillfield, in the lordship of Darnley and shire of Renfrew; which belonged to the said John hereditarily, and were held as a tenandry of the lordship of Darnley before the Earl's new infeftment therein: To be held in feu and heritage, for payment of ward and relief when they occurred, and for three suits at the three head pleas of the granter's court of Darnley. Dunbarton, 21st July 1512, 229

88. Precept of Clare Constat by John Earl of Lennox, Lord Darnley, to Thomas Ralston and others, his bailies, for infefting Hugh Montgomery, as heir of Sir John Montgomery of Heslat, Knight, his father, in the lands of Pottarton and Diconsbank, in the lordship of Darnley and

Page

shire of Renfrew; which lands were held in chief of the Earl, as superior thereof, and were then in his hands through the death of Sir John. Crniekston, 28th October 1513,..... 231

89. Instrument of Sasine (proceeding upon a precept from the chancery of King James IV.) in favour of Robert Lord Maxwell, as heir of his father, John Lord Maxwell, of the lands of Nether Pollok and Mearns, with the exception of 25 merks' worth of the latter, in which James Archbishop of Glasgow was infeft; which lands of Mearns were held in chief of the King, and the lands of Nether Pollok of the Steward of Scotland: Taking security for £40 for the relief of the lands of Mearns, and £80 for the relief of the lands of Nether Pollok, due to the King, and reserving the farms of the foresaid lands from the term of Martinmas preceding to the said Robert. Done on the ground of the said lands, 9th February 1513, ... 232

90. Grant by James [Beaton] Archbishop of Glasgow, to Robert Maxwell, vicar of Tarbolton [afterwards Bishop of Orkney], of the rental of the four merk land of Govan Haggs and Shiels, to be "bruked" by him after the decease of his mother, who had the rental of them from his Grace, for payment of four merks of meal yearly; the duties of the granters mill in Partick, extending yearly to three bolls three firlots of malt, and seven bolls three firlots of meal for the multure of the said four merk land; and £50 Scots in ready money at the making of the grant. Edinburgh, 8th December 1515, ... 233

91. Retour of the Service of Robert Maxwell, as heir to Robert Maxwell of Calderwood, his father, in the lands of Jackton, Allerton, Newlands, Greenhills, and Tates Thornton, in the barony of Kilbride and shire of Lanark; which were then valued at 50 merks, and of old extent at 35 merks, and as much in time of peace, and were held in chief of the King as Steward of Scotland, by the service of ward and relief, and for rendering a common suit at the court of the Sheriff of Lanark; and had been in the King's hands, by reason of ward, for eight years or thereby, since the death of the said Robert Maxwell of Calderwood. Rutherglen, 15th May 1518,..... 234

92. Precept by John Earl of Lennox, Lord Darnley, to Constantine Maxwell and others, his bailies, for infefting John Maxwell of Stanley and Agnes Lyle his spouse, in conjunct fee, and their heirs, in the lands of Hillfield, extending to a forty shilling land of old extent, in the lordship of Darnley and barony of Renfrew, and formerly belonging to Robert Whiteford, and were resigned in the Earl's hands as superior. Glasgow, 11th September 1518, ... 235

93. Charter by John Earl of Lennox, Lord Darnley, to George Maxwell, son of the late John Maxwell of Nether Pollok, of the lands of Arden, extending to ten merks' worth of land of old extent, in the lordship of Darnley and shire of Renfrew, in warrandice of the £3 lands of Cowglen and the 20 shilling lands of Little Cowglen, sold by the Earl to George: To be held in feu and heritage, for payment of a penny Scots, in name of bleneh farm, upon the ground of the said lands at Whitsunday, if asked only. Glasgow, 24th September 1518, 236

94. Notarial Instrument on the Gift by Mr. Robert Maxwell, rector of Tarbolton and canon of Glasgow, to John Maxwell, a minor, and Elizabeth Houston his spouse, for the service done and to be done by him to the granter, of the ward of five pounds' worth of the lands of Nether Pollok, with the garden, tower, and other houses built on that side of the river Cart; their

Page

entry thereto to be at Martinmas following, and to continue till the said John attained his majority; the said Elizabeth to have only her terce thereof, in ease of her husband's death during the curreney of the ward. Done in the metropolitan church of Glasgow, 30th October 1518, ... 237

95. Notarial Instrument upon the Renunciation by John Earl of Lennox, Lord Darnley, of his right to redeem the lands of Meikle and Little Cowglen from George Maxwell, son of the late John Maxwell of Pollok, in terms of the reversion by the said George; which reversion, in consideration of a certain sum of money paid to him by the said George, the Earl declared to be null and of no effect. Done in the lodging of Robert Maxwell canon of Glasgow, 29th June 1519,..... 239

96. Letter of Reversion by John Weir, son and apparent heir of John Weir of Weichschaw, and Margaret Carlile his spouse, to John Maxwell of Nether Pollok, of the easter quarter of the Shaws, lying in the barony of Renfrew and shire thereof, extending to a 20 shilling land of old extent, upon payment to them or their heirs, after forty days' warning, of the sum of 100 merks Scots on the parish altar of Glasgow. 23d December 1519, ... 240

97. Charter by John Earl of Lennox, Lord Darnley, to John Maxwell of Easter Stanley and Agnes Lyle his spouse, of the lands of Hillfield, extending to 40 shillings' worth of land in the lordship of Darnley and shire of Renfrew, which belonged to Robert Whiteford, and were resigned by him in the granter's hands as superior: To be held by the foresaid John and Agnes in conjunct fee, and their heirs, for payment of one penny Scots, upon the ground of the lands at Whitsunday, in name of blench farm, if asked only. Glasgow, 20th May 1520, ... 241

98. Charter by Thomas Ralston of Roseholm to Beatrix Maxwell of Carnduff, on the occasion of their marriage, of the lands of Dunlophill in liferent, extending to 40 shillings' worth of land of old extent, lying in the bailiery of Cunningham and shire of Ayr: To be held by her in her widowhood, in liferent, of the King as Steward of Scotland, and his heirs and successors, for the service used and wont. Glasgow, 15th September 1520,..... 243

99. Letters of Bailiery by Robert Lord Maxwell, appointing George Maxwell of Cowglen constable and keeper of the castle of Mearns, in the shire of Renfrew and barony of the same, with the profits and duties thereof, for seven years. Edinburgh, 28th January 1520,..... 245

100. Letters by John Earl of Lennox, appointing his cousin, George Maxwell of Cowglen, his cessioner and assignee to redeem from Hew Montgomery of Hazelhead the lands of Pottarton and Dieonsbank, in the lordship of Darnley and barony of Renfrew, which had been wadset to the latter. Cruickstou, 15th November 1521, ... 245

101. Discharge by Hew Montgomery, Laird of Hazelhead, to George Maxwell of Cowglen, for the sum of 130 merks, being the amount contained in his letter of reversion of the lands of Pottarton and Dieonsbank. At the Hazelhead, 18th November 1521,..... 246

102. Disposition by John Earl of Lennox to George Maxwell of Cowglen, of the lands of Pottarton and Diconsbank under reversion, for the sum of 230 merks of fine gold; wherein he binds

Page

himself and his heirs not to consent to the redemption of the said lands except for their own proper use only, and, in the event of their being so redeemed, to grant to the said George, and his heirs or assignees, a seven years' tack of the same after the date of redemption; for which the said George, his heirs and assignees, were to pay yearly 5½ merks and 16 pence of penny male, and 3½ bolls and 3 pecks of bere, etc. Glasgow, 19th November 1521, ... 247

103. Charter by John Earl of Lennox, Lord Darnley, to George Maxwell of Cowglen, of the lands of Pottarton and Diconsbank, lying in the Lordship of Darnley and shire of Renfrew, for a certain sum of money paid and delivered to him therefor: To be held in feu and heritage for ever for payment of one penny Scots at Whitsnnday, on the gronnd of the said lands, in name of blench farm, if asked only. Glasgow, 19th November 1521,..... 249

104. Letters of Gift by John Duke of Albany, Governor of Scotland, to John Maxwell of Pollok, of the tax due to the king for his £20 land of Nether Pollok, extending to ten merks Scots. Edinbnrgh, 24th Angust 1522,..... 250

105. Testament of George Maxwell of Cowglen, wherein he states that he made it on account of the wars then imminent, eommits his soul to God Almighty, and his body to be bnried where it pleases the divine goodness, and leaves four pence to the fabric of St. Quintin; appoints Robert Maxwell, chancellor of Moray, and others, his executors, and wills and ordains that a chaplain, to be chosen by them, should celebrate masses for him at the altar of the Virgin Mary in the ehnrch at Eastwood daily, and five masses on each feast of the Virgin, for seven years after his death, to whom he ordains 12 merks yearly to be paid; leaves 9 cows for the snpport of the various altars in the ehurches of Eastwood and Mearns; ordains his exeentors to maintain his son George from his goods and snbstanee till he attained the age of seventeen, and then to pay to him the sum of £10; and leaves to Catherine Maxwell, danghter of the deceased Sir John Maxwell of Pollok, his brother, 100 merks at her marriage, and the rest of his goods to his own son Robert. Glasgow, 30th Augnst 1522,..... 251

106. Bond of Manrent by John Earl of Lennox to George Maxwell of Cowglen, whereby, in eonsideration of the latter having become man to his Lordship "of speciale retinew," he binds himself to maintain, help, snpply, and defend him in all his lawful actions against all, the King and his sneeessors alone exeepted. Glasgow, 1st May 1524, ... 252

107. Discharge by Robert Lord Maxwell to George Maxwell of Cowglen for 70 merks, in part of payment of his half of the ward of the lands of Pollok. Lochmaben, 4th July 1524, ... 252

108. Discharge by Robert Lord Maxwell to George Maxwell of Cowglen for the sum of 170 merks, in complete payment of his half of the ward of the lands of Nether Pollok. Edinbnrgh, 21st November 1524, ... 253

109. Procuratory by Robert [Maxwell] Bishop of Orkney, appointing Thomas Maxwell and others his procnrators for resigning in the hands of Gavin Archbishop of Glasgow the lands of Easter Shiels of Govan and Govan Haggs, in the barony of Glasgow, in favonr of his brother, George Maxwell of Cowglen; reserving to Elizabeth Stewart, Lady Nether Pollok, their mother, the liferent of the said lands. Cathedral Kirk of Orkney, 17th September 1527, ... 253

Page

110. Obligation by William Maxwell, son of the deeeased John Maxwell of Pollok, whereby he binds himself and his heirs to his brother-german, George Maxwell of Cowglen, not to nptake any of the mails, profits, farms, or dnties belonging to the four merk land of Pottarton, the 20 shilling and 16 penny worth of the lands of Diconsbank, and the 40 shilling land called Hill-field, lying in the lordship of Darnley and shire of Renfrew, in which he had been infeft by his said brother George, so long as he was unmolested in the peaceable possession of the lands of Carnwederick and Pollokhaugh, etc. Glasgow, 23d Oetober 1527, ... 254

111. Bond of Maintenance by Gavin [Dunbar], Arehbishop of Glasgow, in favonr of George Maxwell of Cowglen, whereby he binds himself to defend the latter in all his jnst quarrels and actions, against all persons, etc., his allegiance to the King alone excepted. Glasgow, 8th Deeember 1527, 257

112. Official Extract from the Records of the Barony Court of Glasgow relative to the entry of George Maxwell of Cowglen to the rentalling from the Archbishop of Glasgow of the fonr-merk land of the east Shiels of Govan and Govan Haggs, the kindness of which had been given over to the said George by his brother, Robert Bishop of Orkney, who had been rentalled in it before; their mother, Elizabeth Stewart, having her liferent of the same. Glasgow, 10th December 1527, ... 257

113. Assignation by Robert Stewart of Minto, constitnting George Maxwell of Cowglen his assignee to redeem from Alexander Lyndsay of Corsbasket the third part of his £5 land of Hamilton's Farm of old extent, in the barony of Hamilton and shire of Lanark, which had been analzied to the said Alexander, nnder reversion, for £100. Glasgow, 14th Angust 1528, ... 259

114. Contraet betwixt Matthew Earl of Lennox, with eonsent of Robert Bishop of Orkney and others, on the one part, and Sir James Hamilton of Fynnart, Knight, son of James Earl of Arran, in name and behalf of the Earl his father, and for himself, on the other part, by which the parties bind themselves as follows: The Earl of Lennox to put away all feeling of unkindness towards the Earl of Arran and the said Sir James on acconnt of the slanghter of the late John Earl of Lennox, near Linlithgow; and the said Sir James to fee six chaplains at the expense of the Earl of Arran, his brother, and his own, "to syng and do sufforhe for the sawill of the said deceased John Earl of Lennox," for seven years, three of them in the College Kirk of Hamilton, and three of them in the Black Friars' Church of Glasgow, where the Earl was interred, and to pay each of them £10 a year; also to endeavour to obtain Lord Avondale's eonsent to the Earl of Lennox's appointment as sheriff of Dnnbarton and bailie of Lennox, etc., etc. Stirling, 14th Febrnary 1530-31, ... 260

115. Discharge by Peter Houston, rcetor of Sanda, in favour of Robert Maxwell, Bishop of Orkney, of an annnal pension which he had from the provostry of the Collegiate Chureh of Dnnbarton. Done at Edinbnrgh, 7th Jnne 1531, ... 263

116. Agreement between Robert Maxwell, Bishop of Orkney, and Master John Thornton, relative to the obtaining of Letters of Dispensation from the Pope for the marriage of John Maxwell and Elizabeth Maxwell, who were related to each other in the seeond and third degrees of consanguinity. Edinbnrgh, 27th Febrnary 1534, ... 264

117. Instrument of Dispensation in terms of Letters directed by Cardinal Antonins, Penitentiary of

Page

Pope Paul III., to the Arehbishop of Glasgow, or his viear or offieial general, for dispensing with the impediments to the marriage of John Maxwell, son and heir of the late George Maxwell of Cowglen, and Elizabeth or Bessie Maxwell, daughter and heiress of the late John Maxwell of Nether Pollok, of the dioeese of Glasgow, who were related to eaeh other in the seeond and third degrees of eonsanguinity. Done in the ehureh of the Friars Minorites of Glasgow, 31st August 1535,..... 265

118. Certifieate of Proelamation of Banns of Marriage, in the parish ehureh of Dunbarton, between John Maxwell, son and heir of the late George Maxwell of Cowglen, in that parish, and Elizabeth Maxwell, daughter and heiress of the late John Maxwell of Pollok, in the parish of Eastwood. Given under the hand of Thomas Gibson, ehaplain and eurate of Dunbarton, 15th January 1535, ... 269

119. Notarial Instrument upon the marriage between John Maxwell of Cowglen and Elizabeth or Bessie Maxwell, heiress of Nether Pollok, whieh was performed by Thomas Gibson, eurate of the eollegiate parish ehureh of St. Mary, near Dunbarton, 16th January 1535,..... 269

120. Diseharge by John Gwid and Thomas Bargille, master masons, to Robert Bishop of Orkney, for the sum of 20 merks, being part payment of the building of the "towr of Neddir Pollok, and ryggeyn stayne onputteyne" thereof. Nether Pollok, 16th July 1536, ... 271

121. Preeept of Clare Constat, direeted by Robert Lord Maxwell to his bailies, for infefting Elizabeth Maxwell, daughter and heiress of the late John Maxwell of Nether Pollok, in the lands of Nether Pollok and Carnwedderiek, in the barony and shire of Renfrew; whieh were held of his Lordship in ehief by the serviee of ward and relief, and were in his hands, as superior, on aeeount of the death of the said John. Edinburgh, 9th August 1536, ... 271

122. Charter by Robert Lord Maxwell to John Maxwell of Cowglen and Elizabeth Maxwell his spouse, in eonjunet fee, and their heirs-male therein named, of the lands of Nether Pollok, namely, the Mains of Nether Pollok, Pollokshaws, with the mill thereof, the lands and town of Pollokston, lie Park and Pollokhaugh, and the lands of Carnwedderiek, all in the barony and shire of Renfrew; whieh lands belonged to the said Elizabeth, and were resigned by her, with eonsent of her husband, in the granter's hands, as superior thereof: To be held iu feu and heritage for payment of ward and relief when they oeeurred. Edinburgh, 15th August 1536, 273

123. Charter by John Maxwell of Nether Pollok and Elizabeth Maxwell his spouse, to William Maxwell, unele of the said John, of the liferent of the lands of Carnwedderiek, and to the said William and Janet Catheart his spouse, in eonjunet fee, the liferent of the lands of Pollokhaugh, lying in the barony of Renfrew and shire thereof: To he held of the granters, and their heirs aud assignees, for payment of a penny Seots upon the ground of the said lands, at Whitsunday yearly, in name of bleneh farm, if asked only. Edinburgh, 27th August 1536, 276

124. Letters by King James V. to John Maxwell of Nether Pollok, requiring him to hold himself in readiness to proeeed to Edinburgh, upon ten days' notiee, aeeompanied by his kin, friends, and servants, to attend the arrival of his Majesty with his Queen (Magdalene, eldest daughter of Franeis I., King of Franee), whieh was expeeted to be about the 10th of April following. Given under the Signet at Edinburgh, 8th February [1536], ... 278

Page

125. Discharge by George Wr, burgess of Edinburgh, of all debts due to him by Robert Maxwell, Bishop of Orkney, previous to the date thereof, with the exception of £23. Dunbarton, 28th August 1539, ... 279

126. Memorandum by Robert [Maxwell] Bishop of Orkney relative to the delivery, to certain persons named, of a shipment of "fat gud," and the application of the money received therefor. 24th October 1540, ... 280

127. Notarial Instrument upon the delivery to John Maxwell of Nether Pollok of certain articles of silver plate which belonged to the late Robert Maxwell, Bishop of Orkney. Done in the chamber of the said deceased bishop, in Kirkwall, 24th December 1540, ... 281

128. Instrument of Obligation by John Maxwell of Pollok to keep certain articles of silver plate which belonged to the late Robert Maxwell, Bishop of Orkney, and to answer for the same to his heirs and executors. Done in the chamber of the said deceased bishop, in Kirkwall, 24th December 1540, ... 282

129. Precept by Walter Maxwell of Aikinhead and William Maxwell of Carnwederiek, executors of Robert Maxwell, Bishop of Orkney, to George Abernethy, to deliver certain articles of furnishing to the Laird of Nether Pollok. Glasgow, 23d March 1540,..... 283

130. Memorandum of the delivery by Walter Robison, beidman in the College of Dunbarton, to John Maxwell of Pollok, at the command of the executors of the late Robert Maxwell, Bishop of Orkney, of certain articles of furniture which belonged to the latter. 26th March 1541,... 283

131. Letter of Obligation by John Houston of that Ilk to re-deliver to John Maxwell of Pollok two silver cups which belonged to the late Robert Maxwell, Bishop of Orkney, and which the said John Houston had received in part of payment of certain victuals sold by him to the said bishop. [In the Obligation itself the sale is, by mistake, said to have been by the bishop instead of to him.] Houston, 26th January 1541, ... 284

132. Writ by Adam Colquhoun, official of Glasgow and parson of Stobo, granting to John Maxwell of Pollok an extension (from Martinmas to St. Mungo's day) of the time for redeeming two silver cups. Glasgow, 31st October 1541,..... 284

133. Notarial Instrument upon the delivery by John Maxwell of Pollok of the keys of the castle of Glasgow to Gavin [Dunbar] Archbishop of Glasgow, with the "geir" in the castle, according to an inventory. Done in the palace of the archbishop, 11th May 1544,..... 285

134. Discharge by Matthew Earl of Lennox to John Maxwell of Pollok for the geir and goods which were in the castle of Glasgow at the entry of the said John to be keeper thereof. Glasgow, 11th May 1544, ... 286

135. Agreement between John Maxwell of Pollok and John Maxwell of Dargavel to submit all disputes between them—especially the claim of the former to the half ward of Nether Pollok, and that of the latter to the nonentry of Meikle Cowglen and others—to the arbitration of

Page

Robert Lindsay of Dunrod and Gabriel Semple of Catheart; Mr. James Houston, subdean of Glasgow, to be "odman." Bridgend of Elliotston, 15th July 1544,..... 287

136. Instrument of Exoneration by William Glen, John Neilson, and others, tenants in Cowglen, to John Maxwell of Pollok, discharging him of all wrong or damage done to them, except the carrying off of 18½ bolls of meal from the said William and John, as part payment of the arrears of their farms and duties, and which was to be forthcoming and warranted to them. Nether Pollok, 2d January 1544, ... 289

137. Gift by Mary Queen of Scots (subscribed by the Regent Arran) to John Maxwell of Pollok, of the ward and nonentry of the £20 land of "Nether Powk," lying in the shire of Renfrew, which were then in her Majesty's hands, through the decease of the late Robert Lord Maxwell. 1546,..... 290

138. Warrant by James Earl of Arran, Regent of Scotland, to the Justice and Justice-Clerk, charging them to desist from all proceedings against John Maxwell of Nether Pollok for his alleged remaining at home from the "oist and raid devisit to convene at the Sanchar in Nythisdale," in the month of January preceding. Glasgow, 10th March 1547, ... 291

139. Instrument of Sasine (proceeding upon a brieve from the Chancery of Queen Mary) of James Maxwell, son and heir of John Maxwell of Cowglen, in the eight and a half merk lands of Pottarton, Dickonsbank, Hillfield, and the twenty shilling land of Cowglen, lying in the barony of Renfrew and shire thereof. Done on the ground of the said lands, 8th November 1549,... 291

140. Retour of the Service, before John Roberton of Ernock, Sheriff-depute of Lanark, of Elizabeth Maxwell, as heiress of her great-grandfather, Sir John Maxwell of Pollok, in the lands of Nether Pollok. Hamilton, 27th March 1550, ... 293

141. Precept by Sir John Maxwell of Terregles, Knight, to John Maxwell and others, tenants of the Mearns, charging them, under the "pane of tynsale of their malings," to raise letters against the Lairds of Nether and Over Pollok for holding double bailie courts. Dumfries, 6th May 1553, 294

142. Retour of the Service, before Robert Master of Semple, Sheriff-depute of Renfrew, of John Maxwell, son of George Maxwell of Cowglen, as heir of his father, in the lands of Cowglen. Renfrew, 28th March 1556, ... 295

143. Retour of the Service, before John Roberton of Ernock, Sheriff-depute of Lanark, of John Maxwell of Calderwood, as heir to Robert Maxwell of Calderwood, his father, in the five merk land of Little Dripps, lying in the barony of Kilmaurs by annexation, and within the shire of Lanark; which lands were held in chief of the Earl of Glencairn and his successors, for payment yearly to them of a penny Scots at Whitsunday, in name of blench, and an annual rent of forty shillings to the chaplain of the church of St. Quintin called "Litill Sanct Mongons." Hamilton, 18th March 1558,..... 295

144. Retour of the Service before John Hamilton of Stonehouse, Sheriff-depute of Lanark, of John Maxwell, as heir of his father, William Maxwell of Carnwederick. Hamilton, 28th June 1560, ... 297

Page

145. Lease by John Maxwell younger of Pollok, to Walter Anderson, of the six shilliug and three penny land in Meikle Govan, for payment of ten firlots of meal and one boll of bear, besides the mails, duties, and serviee due from the said lands to the Arehbishop of Glasgow. Nether Pollok, 12th January 1562, ... 297

146. Lease by Thomas Brown in Windyedge to Thomas Hutehison of a house, etc., in the Trongate of Glasgow, for eighteen years from Whitsunday 1564, for payment of a reut of fifty shillings, to be paid yearly in advanee. Glasgow, 19th June 1564, ... 299

147. Gift by King James VI. of the eseheat of John Maxwell of Pollok to Alexander Earl of Gleneairu, Lord Kilmaurs; whieh eseheat had fallen to the Crown throngh the rebellion of the said Johu, he haviug borne arms against his Majesty at the battle of Laugside, on the 13th of May 1568, in eompany with Arehibald Earl of Argyle and others. Given under the Privy Seal, at Edinburgh, 10th August 1568, ... 300

148. Letters under the Signet for enforciug the gift to Alexander Earl of Gleneairn of the escheat of John Maxwell of Pollok, whieh had falleu to the Crown in eonsequeuee of his being at the horn in default of finding surety to uuderly the law for being art and part in the slaughter of sundry persons at the battle of Langside. Edinburgh, 27th August 1568, ... 302

149. Pass by Alexander Earl of Gleneairn, his Majesty's Lieutenant, to John Maxwell of Pollok, Knight, granting him permission to pass from Dunbarton to Kilmaranuoek and baek again to arrauge eertain matters of business with his Lordship. Kilmarannoek, 6th September 1568, 303

150. Preeept of Remission direeted by King James VI. to his Chaneellor, for remitting the suit his Majesty had raised against John Maxwell on aeeount of his being art and part in the slaughter of several persons at the battle of Langside. Given under the Privy Seal, at Edinburgh, 9th September 1568, ... 303

151. Lieenee by Alexander Earl of Gleneairn, his Majesty's Lieutenant in the West, to John Maxwell of Pollok, Knight, and his tenants, to remain at home within their own bonnds from any eouvoeatiou or raids whieh might happen to take place for one month. Koehnoeh, 20th November 1568, ... 304

152. Assuranee by John Pollok of that Ilk to John Maxwell of Pollok, not to molest him in law "for quhatsumeuir eaus or oeeasioun bygane." Glasgow, 29th Juue 1570, ... 305

153. Preeept by King James VI., subseribed by Mathew Earl of Lennox, Regent of Seotlaud, and direeted to Johu Maxwell in Cowglen, to eharge Sir John Stewart of Minto, Justiee-depute of the eity and barony of Glasgow, to desist from all proeeedings against the teuauts of Sir John Maxwell of Pollok for having appeared against his Majesty at the field of Langside. Edinburgh, 24th January 1570, ... 305

154. Notarial Instrument taken upon the Regent Arran's letters diseharging Sir John Stewart of Minto, Justiee-depute of Glasgow, from molesting the tenants of Sir John Maxwell of Pollok ou aeeount of their having appeared against the King at the field of Langside. Done in the eastle of Glasgow, 2d February 1570, ... 306

Page

155. Retour of the Service, before the Sheriff-depute of Renfrew, of Thomas Colquhoun as heir to his mother, Margaret Cunninghame, relict of John Colquhoun of Luss, in an annual rent of 24 bolls of oatmeal from the lands of the Mains, which was held in chief of Charles Earl of Lennox for payment of a penny yearly at Whitsunday, in name of blench. Paisley, 3d April 1574, ... 308

156. Letters of Procuratory by Hew third Earl of Eglinton, appointing Archibald Crawfurd, parson of Eaglesham, and William Hegait, burgess of Glasgow, his procurators to receive the sum of £1000 from Sir John Maxwell of Pollok, for the wadsetting of certain of his Lordship's lands in the barony of Eaglesham. Glasgow, 19th February 1574, ... 309

157. Discharge by Mr. Archibald Crawfurd and William Hegait, procurators of Hew third Earl of Eglinton, to Sir John Maxwell of Pollok, for the sum of £1000 for the wadsetting of the Earl's lands of Bonnyton, Fleurs, and others. Glasgow, 21st February 1574, ... 310

158. Depositions of Gavin Maxwell of Auchenhead, and other witnesses, on behalf of Sir John Maxwell of Pollok, against Elizabeth Maxwell, Lady Pollok, and William Maxwell, executors of the late Sir John Maxwell of Pollok, upon the Inventory of the airship goods of his father. [c. 1578], ... 311

159. Charter by Hugh Wallace of Carnell to William Maxwell, brother of Sir John Maxwell of Pollok, of an annualrent of twenty merks from his forty shilling land of old extent of Whitelees, in the parish of Stewarton and shire of Ayr: To be held of the granter and his heirs in feu and heritage for ever, for payment of a penny Scots yearly upon the ground of the said lands, in name of blench, if asked. The charter contains a precept of sasine, and is dated at Glasgow, 8th June 1583, ... 314

160. Declaration made by Mr. David Wemyss, minister of Glasgow, Alexander Cunninghame, younger of Clonbeath, and others, in the action and cause raised by Mr. Thomas Jack and Euphemia Wylie against Ninian Stewart, son to Captain James Stewart, who had ravished their daughter Elizabeth Jack. Glasgow, 26th October 1584, ... 316

161. Charter by John Maxwell of Pollok, Knight, with consent of Margaret Cunninghame his spouse, to his brother Walter Maxwell, of an annualrent of £20 from the £3 land of old extent of Nether Cowglen, lying in the parish of Eastwood and shire of Renfrew: To be held of the granter and his heirs for payment of one penny Scots yearly upon the ground of the said lands, at Whitsunday, in name of blench, if asked only. The charter contains a precept of sasine, and is dated at Haggs, 16th November 1586, ... 317

162. Letter of Obligation by Robert Lord Semple, for himself, his kin and friends, not to molest Sir John Maxwell of Pollok, his brothers William, Patrick, and Walter, nor their servants, on account of any quarrels, etc., "in ony tymes bygain." Paisley, 23d April 1588, ... 320

163. Letter of Obligation by John Lord Maxwell to answer to his Majesty for the conduct of his tenants and dependants; Sir John Maxwell of Pollok being his cautioner. Edinburgh, 5th August 1590, ... 320

Page

164. Lease by James Hamilton of Torrance to Mungo Anderson of the eight shilling and fourpenny land of Leclyok, in the parish of Blautyre and shire of Lanark, for the whole term of the said James's life, for payment of twenty shillings of silver mail, two hens and two sufficient capons at Fasting-even, and one boll of bear at Beltane, yearly. Torrance, 8th January 1593, ... 321

165. Licence by the Commissioners of King James VI. to Sir John Maxwell of Pollok and his servants, permitting them to remain at home from the army that was about to proceed with his Majesty to the north of Scotland. Edinburgh, 5th October 1594, ... 322

166. Information by Sir Hugh Campbell, first Lord Loudoun, for obtaining a new grant from the King of his estates and honours after the death of his only son. [c. 1615], ... 323

167. Account of Expenses of a Journey from Edinburgh to London in the year 1621, ... 325

168. Licence by the Lords of Privy Council, permitting Sir John Maxwell of Pollok, Knight, his spouse, and friends at table with them, to eat flesh during Lent for one year. Edinburgh, 5th March 1622, ... 334

169. Letter of Obligation granted by Sir Archibald Napier of Merchiston, Treasurer-Depute of Scotland, to the Earl of Nithsdale, binding himself to advance to the latter a certain sum promised to his Lordship by Sir John Buchanan, for procuring to him a tack of Orkney and Zetland. Whitehall, May 1627, ... 335

170. Letters of Procuratory by Robert Earl of Nithsdale, appointing Sir John Maxwell of Pollok his procurator for uplifting the rents of the barony of Mearns. Carlavcrock, 19th February 1640, 335

171. Notarial Instrument attesting that Sir John Maxwell of Pollok attended divine service in the parish church of Eastwood on the 26th of April 1646; and that he both proceeded to and returned from church unassisted. Done at Nether Pollok and the church of Eastwood, 26th April 1646, ... 336

172. Last Will and Testament of Sir John Maxwell of Pollok; wherein, after recommending his soul to God, he nominates Sir George Maxwell, fiar of Nether Pollok, his sole executor, and, with the exception of certain debts and bequests specified, his universal legatee. Nether Pollok, 28th October 1647, ... 337

173. Gift by King Charles II., under the Great Seal, to Robert Hamilton of Partick, of the office of tutor-dative to George, Hugh, Gabriel, Robert, and David, sons of the late George Maxwell of Auldhouse, until they should attain their majority. Edinburgh, 21st December 1649, ... 339

174. Licence by William Lord Bellenden of Broughton, Treasurer-depute of Scotland, permitting Sir George Maxwell of Pollok, his family, and friends at his table, to eat flesh during Lent for one year. Edinburgh, 4th March 1663, ... 340

175. Similar Licence from the Same to the Same, from Lent 1664 to Lent 1665, ... 341

176. Similar Licence from the Same to the Same, from Lent 1665 to Lent 1666, ... 341

Page

177. Indenture betwixt Sir George Maxwell of Pollok, Knight, and Gavin Park, hammerman, burgess of Glasgow, whereby the latter binds himself to perform all the blacksmith-work necessary for the proper working of Sir George's coal-heughs in Titwood Muir, near Glasgow, for an annual payment of £10 in money, and "tuentie hutches of coalls yearlie," etc. Glasgow, 14th January 1664, ... 342

178. Resolution of the Senatus Academicus of the College of Glasgow, whereby, in consideration of Mr. Mathew Crawford, minister of Eastwood, having presented to the Library of that University the manuscript of a History of the Church, compiled by himself, the Faculty oblige themselves and their successors in office to procure a bursary for each of his two sons. Glasgow, 28th December 1693, ... 343

179. Answers (holograph of Lord Pollok) to eleven articles of Mr. Bell's "Memoriall anent the Dilapidations of the Estate of Lennox," in so far as concerns the interests of the Duchess-dowager of Lennox, and the tenantry of her Grace's estates in Scotland. [c. 1670], ... 344

180. Diploma by King Charles II., granting to Sir John Maxwell of Pollok, only son of the late Sir George Maxwell of Pollok, the title of Knight Baronet, which title had been enjoyed by the late Sir John Maxwell, cousin of Sir George, who died without heirs-male. Whitehall, 12th April 1682. *Reg. Mag. Sig. Lib.* 68, No. 150. [Original afterwards found at Pollok], ... 346

181. Diploma by Queen Anne, re-granting to Sir John Maxwell of Pollok the title of Knight Baronet, conferred on him by King Charles II., and extending the limitation to his heirs of entail whomsoever. Kensington, 27th March 1707, ... 348

182. Excerpts from the Diaries of Sir George Maxwell of Pollok, extending over the period from 8th August 1649 to 9th March 1676, and containing interesting notices of Trials for Witchcraft, etc. Also, Excerpts from the Diaries of Sir John Maxwell of Pollok, extending from 13th April 1670 to 6th November 1719, ... 349

ROBERT MAXWELL, BISHOP OF ORKNEY.

c. 1470-1540.

This venerable prelate was the second son of John Maxwell of Pollok and Elizabeth Stewart, daughter of John first Earl of Lennox, of the house of Stewart. Being an active, able, and successful churchman, and having managed the Pollok estates for many years, during the minorities of successive proprietors, he took a prominent place in the Pollok family, and his memory has been cherished by them, through three centuries, as that of a wise and good man.

One of his earliest appointments in the church was to the parsonage of Tarbolton, which may have been owing to his relationship, through his mother, to the Earl of Lennox, Lord of Tarbolton. He was soon afterwards made Canon of Glasgow and Chancellor of Moray. Under the designation of Mr. Robert Maxwell, Chancellor of Moray, and Canon of Glasgow, he was elected Rector of Glasgow University at a general meeting of the College held on the 25th October 1519. On the 23d November of the same year he, as Rector, presented to the University a cane staff, set with silver at the top, bottom, and middle, to be borne before the Rector at all ordinary feasts and assemblies. This gift seems to have been made for the purpose of reserving the grand silver mace of the University for use only on the most solemn occasions. He was re-elected Rector for the year 1520.[1] In January 1521, Mr. Robert Maxwell, as Rector of Tarbolton, witnessed a charter by John Earl of Lennox, confirming a charter by Maldowen Earl of Lenuox to the monastery and convent of Paisley of the fishing of the Lenbryn.[2] Robert Maxwell was soon after this made Provost of the collegiate church of Dunbarton;[3] a preferment also partly owing, no doubt, to his relationship to the Earl of Lennox.

His promotion to the see of Orkney is generally said to have taken place about the year 1530; but it was four years earlier. He is called Postulate of Orkney iu a receipt by Constantine Maxwell, dated 25th January 1525;[4] and on 27th June 1526, Adam Stewart, burgess of Edinburgh, grants a receipt to Mr. Robert Maxwell, Bishop of Orkney, for eight score seventeen pounds and a half in part payment for the expedition of his "bullis of Orkney."[5] He was consecrated Bishop of Orkney in 1526. He is designated Bishop of Orkney in a resignation of certain lands to his brother George, on 10th December 1527.[6] His services in his diocese had a most beneficial effect on that remote district; and many substantial proofs of the great labour which he bestowed, as well as of the large sums which he employed, for the good of his diocese, and the welfare and advancement of his people, remain even to the present day. The stalls in the cathedral at Kirkwall, with the arms of his predecessors in the bishopric were all built by him at his own expense. He also furnished the steeple with an excellent set of finely toned bells, and otherwise greatly improved the cathedral, entirely at his own charges. The following account of the bells, by Sir Henry Dryden, was published in the "Orcadian" newspaper in October 1855:—

"There are four bells in St. Magnus.

"1. (Largest) originally given by Bishop Maxwell, but recast. 2 & 3. Given by Bishop Maxwell.

[1] Munimenta Universitatis Glasg., vol. ii. pp. 136-169.
[2] Registrum Monasterii de Passelet, p. 219.
[3] Crawfurd's Renfrewshire. Semple's Edit., 1782, p. 187.
[4] Original receipt at Pollok.
[5] Original receipt at Pollok.
[6] Vol. i. p. 258.

"4. (Smallest) without inscription or date, not hung.

They are not, and probably never have been, rung by the common processes of wheel or crank, but by a rope applied so as, by a nearly lateral traction, to make the tongue strike the side. One end of a short rope is fastened to the tongue, and the other to the wall; a second rope is fastened to the middle of the first, and the lower end of it pulled by the ringer, which, of course, pulls the tongue to one side. The notes produced by the bells are not at diatonic intervals, being about five-quarter tones apart. They are about G $\frac{1}{4}$ tone sharp, A $\frac{1}{2}$ tone sharp, C $\frac{1}{4}$ tone sharp. The second bell is used for the clock, and is struck by the clock hammer on the *outside*, giving, when so struck, a note lower than that given when struck by the tongue.

"*First Bell.*—Note—tenor G $\frac{1}{4}$ tone sharp; 3 feet 5$\frac{1}{2}$ inches diameter, and 2 feet 9 inches high, exclusive of the crown. Inscription in plain capitals, raised, in two lines:—

'Made by master Robert Maxvell, Bischop of Orkney, the yeer of God M.D.XXVIII. the XV. year of the reign of King James the V. Robert Borthwik made me in the castel of Edinburgh.'

"In an oval medallion:—'Takeu et brought againe heir by Alexander Geddus, marchant in Kirkwa, and recasten at Amsterdam, Jully 1682 years, by Claudius Fremy, city bell caster. It weighs 1450 P.'

"On a medallion a figure with a sword, and under it SCT. MAGNUS.

"On a raised shield the arms of Bishop Maxwell, a saltier, with annulet in centre.

. . . . . .

"*Second Bell.*—Note—A $\frac{1}{2}$ tone sharp; 3 feet 1 inch diameter, and 2 feet 5 iuches high, exclusive of crown. Inscription in black letter, capitals and small, raised, in two lines:—

'Maid be maister robert maxvell, bischop of Orknay, in ye secund zier of his consecration, in the zeir of god I^{m} V^{c} XXVIII. zeiris ye XV. zeir of ye reign of King James V.'

"On a medallion a figure with a sword, and under it 'Sanctus Magnus.' Below—'robert borthvik.' On a medallion the arms of Scotland, and on another the arms of Maxwell as before.

"*Third Bell.*—Note—middle C $\frac{1}{4}$ tone sharp; 2 feet 9 inches diameter, and 2 feet 5 inches high, exclusive of crown. Inscription in black letter, capitals and small, raised, in three lines:—

'Maid be maister robert maxvell, byschop of Orknay, ye secund zeir of his consecration, ye zeir of gode I^{m} V^{c} XXVIII. zeirs ye XV. zier of Kyng James ye V. be robert borthvyk maid al thre in ye castel of Edynburgh.'

"On a medallion a figure of St. Magnus. On a shield the arms of Maxwell as before.

"*Fourth Bell.*—Not hung; 1 foot 8 inches diameter, and 1 foot 4 inches high, exclusive of crown. No inscription. It is called 'the fire bell,' and in the 17th century was called 'the *Skellat* bell.'"

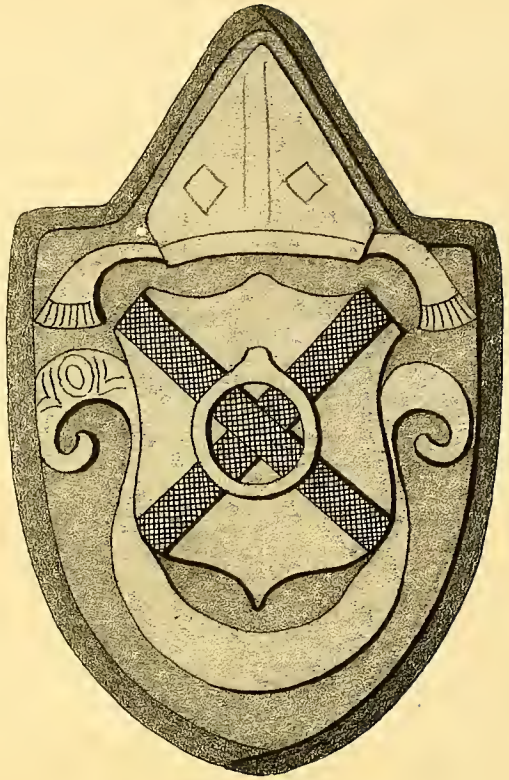
"On 9th Jauuary 1671, the 'steeple head' of the Cathedral was struck by lightning during "a thunder-storm, and set on fire, and the largest bell seems to have been cracked by the accident. "At all events, the writer, some years ago, discovered a bundle of old accounts and other docu- "ments, from which the following information was obtained:[1]—

[1] Sir Henry Dryden is mistaken in supposing that the largest bell was cracked on this occasion. The bell escaped injury in the manner described in the following notice in the Cathedral Register: In the time of Bishop Honeyman, these bells were nearly destroyed by lightning, for, on 9th January 1671, ther happened ane fearful and sad accident in this place, to the great astonishment and terrification of the beholders, by thunder and lightening, which fell upon the steeple heid of the cathedral kirk of Orknay . . . and fyred the samen, which brunt dounwards untill the steeple head, three loftings and all the timber work pertaining to the

SAINT MAGNUS FROM BISHOP MAXWELL'S BELLS

IN THE CATHEDRAL OF KIRKWALL.

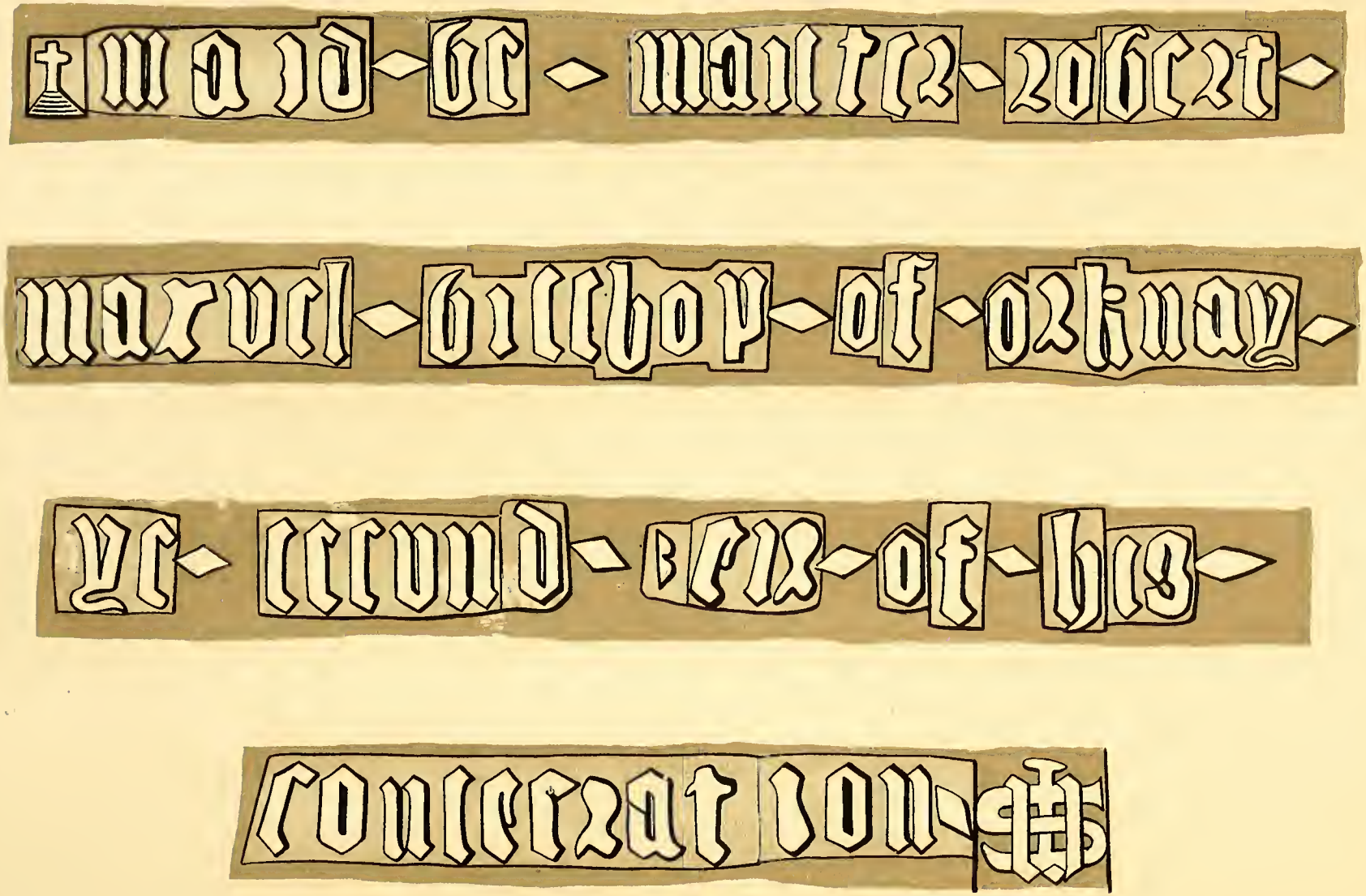
ROYAL ARMS OF SCOTLAND. 1528.



ARMS OF BISHOP MAXWELL. 1528.

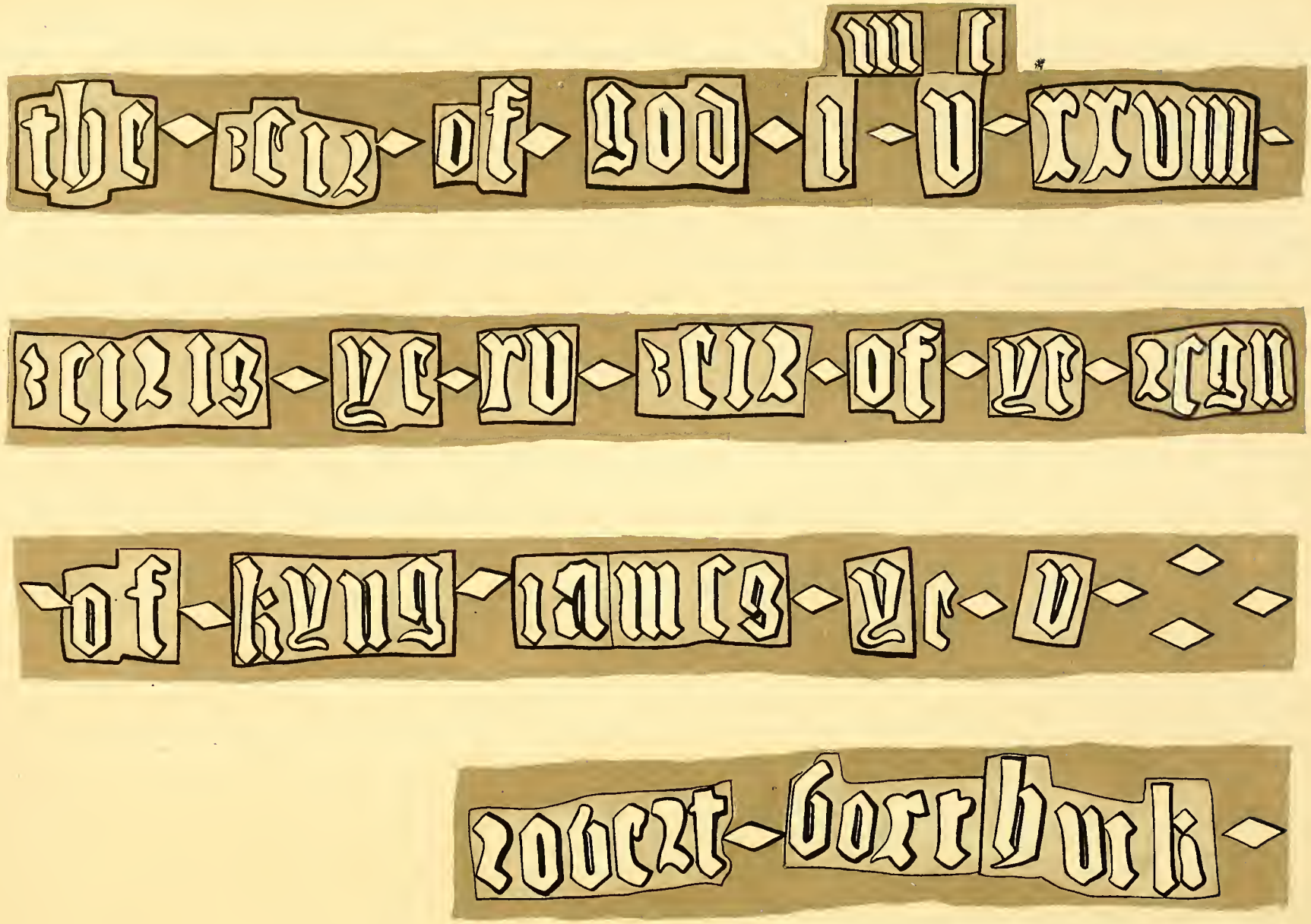
FROM THE ORIGINALS ON BISHOP MAXWELL'S BELLS

IN SAINT MAGNUS' CATHEDRAL, ORKNEY.



FIRST LINE OF INSCRIPTION ON BISHOP MAXWELL'S BELLS

IN SAINT MAGNUS' CATHEDRAL KIRKWALL.



SECOND LINE OF INSCRIPTION ON BISHOP MAXWELL'S BELLS

IN SAINT MAGNUS' CATHEDRAL KIRKWALL.

" In August 1682, 'the great bell' being 'rift,' was sent 'to Amsterdam to be recast.'
" The Bishop of Orkney and Magistrates of Kirkwall gave instructions to the person to whose care
" the bell was intrnsted, that 'there be ane special and diligent care had that the letters already
" about the bell be again reformed as the samin is, conform to ane note thereof sent with it, to-
" gether with the several arms already therenpon, viz., the arms of Scotland, being ane Lyon
" within the Shield, with the portrat of Sainct Magnus and the Maxwell's arms, and that the
" samin be placed upon the said bell as the samin is at present. That there be added thereto,
" nnderneath the said letters and arms, this line, viz., "This bell re-castin at for Kirkwall,
" in anno 1682;" and to mark the weight thereof upon the bell.'

" The old bell, on being weighed at Amsterdam, was found to be 1500 lbs. It lost in casting
" 165 lbs.; to which was added of new metal 193 lbs. Weight of new bell, 1528 lbs.
Do. of new tongne, ... 46 „
Total, . . 1574 lbs.
" The whole cost was 1303 merks Scots, about £72, 7s. 9⅓d. sterling.

" The weight marked on the bell does not agree with this statement; nor did the caster fol-
" low the directions to recast the letters as they were before."

In 1536 the Bishop had an opportunity of displaying his liberality and mnnificence in another manner, very advantageons to the interests of his diocese. At that time Scotland and France were in alliance. Franeis I. strennously exerted himself to strengthen the bonds of union and friendship between the two nations, and King James V. in retnrn, resolved to show his affection for the French people, and to render the ties of friendship which already snbsisted between them and his own people closer, by uniting himself in marriage with one of the royal family of France. For the accomplishment of these purposes, he sent James Earl of Murray, William Stnart, Bishop of Aberdeen, and others, as ambassadors to the French Court, to negotiate a marriage between himself and the Princess Magdalene, eldest danghter of Francis I. And in order to spend his own time profitably for his people, and pleasantly for himself, pending these important negotiations, his Majesty resolved to make a progress throngh his western and northern islands. This plan the King carried out in the year 1536, and in the course of his progress, accomplished many important objects with regard to the improvement of harbours, the construction and garrisoning of forts, and other means of snppressing anarchy and rebellion, establishing order and peace, and promoting trade and industry amongst his people. His Majesty first visited the western and then the northern islands. On his arrival at Kirkwall, the Bishop had the honour of entertaining him in his own mansion. This he did with great splendour and magnificenee; and in retnrn, his Majesty conferred on Kirkwall a confirmation of its charter of royalty, dated 8th Febrnary 1536.[1]

His promotion to high office, and the dnties pertaining to it, did not prevent the Bishop from

bells and the knock housc were consnmed to ashes. But, by the providence of God, the hells thercof being three great bells and a little one, called the scallat bell, were preserved by the care and vigilance of the magistrates, with the help of the toun's people, who were very active in that so sudden a mischance, and animated thereto by the liberality of my Lord Bishop, who was present.—[Cathedral Register, as quoted by Mr. Peterkin in his Notes on Orkney and Zetland, 1822, p. 55.]

[1] Keith's Scotch Bishops, Russell's edition, p. 223; Life and Death of King James V., in Miscellanea Scotica vol. iv. pp. 123, 124; Navigation of King James V. round Scotland, in Miscellanea Scotica, vol. iii., preface.

attending to the duties of private life, and to the welfare and interests of his friends. His brother, the Laird of Pollok, having died young, and left his heir in minority, the charge of him and his estates devolved on the Bishop, who was made wardator of the estate of Pollok, and tutor to his nephew. These trusts he executed with great prudence; and he appears to have been of the greatest use to the family at the time that they were deprived of his nephew. The good prelate, indeed, was the chief head of the Pollok family for two or three generations.

Other friends had recourse to his advice and assistance. On 14th February 1530, he joined Mathew Earl of Lennox as one of his friends, when the Earl entered into contract with Sir James Hamiltou of Fynnart, for the removal of all animosities and feuds between their families, in conseqnence of the unhappy slaughter of John Earl of Lennox by Sir James Hamilton in the battle of Linlithgow.[1] The exertions used by Bishop Maxwell for promoting the marriage of his nephew, John Maxwell, younger of Cowglen, and his grand-niece, Elizabeth Maxwell, heiress of Pollok, have been already mentioned.[2] Soon after this happy union of the male and female lines of the house of Pollok, the Bishop of Orkney rebuilt the old towers of the original castle of Pollok; and he had the satisfaction, a few years before his death, of seeing the "ryggeyn stayne" put on the castle.[3]

The Bishop was not unmindful of the less important matters connected with his official position. On the 28th August 1539, he held "compt" and reckoning with George Wr, burgess of Ediuburgh, when they mutnally discharged each other of all debts except £23 still due by the Bishop.[4] On the 24th February 1540, the Bishop appears on record for the last time, when he delivers a memorial to Duncane Scolar, concerning the disposal of his "fat gud" that was in William Thomson's ship.[5] The Bishop seems to have been indisposed when this memorial was written, and he died before the 14th December following, when his silver plate and other valuables were consigned to the keeping of John Maxwell of Pollok, for behoof of the Bishop's heirs.[6]

The three following documents, relating to the Bishop of Orkney, were borrowed from the Pollok charter-chest so long ago as 1818, by the late Mr. Riddell. They were only recently returned by his executors. The first paper shows the relationship of the Bishop to Alan Stewart, of Cardonald. The second paper is a mutual bond between the Bishop and Margaret Lady Sinclair and her sou, William Lord Sinclair, relative to the state of Orkney. The third paper consists of inventories of the furniture, books, plate, etc., which belonged to the Bishop both in Edinburgh and in Orkney.

(1.) Be it kend tyll all men be thir present lettres, me Allan Stewart of Ka[rdon]all, that forsamekle as my syster soue, Master Robert Maxwell persone of Torboltone, was my factowr of my landis, malis, fermys, batht be burcht and land, iu Scotland, of part of zeris that I was in France, as is contenyt in his factoury and comttis made thairvpone, I the sayd Allan grantis me tyll haf herd a fynall compt but controwercie, and tane compleyt payment of my sayd factowr and syster sone, for all the zeris he has intromettyt wytht my landis, malis, and fermys, for sayd and grantis me full payit thairof thankfully; Quhairfor I dyschargis my sade factour and syster sone thairoff, for now and evyr mare. In vytnes of the quhylk thynk I haf subscriwyt this writ wytht my hand, at Glasgw, the xi day of Merche in the zer of God $i^{m.}$ $v^{c.}$ and xviii zeris, befor thir vytnes, Master Thomas Stewart, notar publyk, Johne Vinzat, Hary Resston, and Schir James Knox, vicar of Carmannok, wytht otheris diueris. ALLAN STEUARD, vitht my hand.

[1] Vol. i. p. 260.
[2] Vol. i. p. 26.
[3] Vol. i. p. 271.
[4] Vol. i. p. 279.
[5] Vol. i. p. 280.
[6] Vol. i. p. 281.

(2.) At Edinburgh, the xv day of Julij, the zeir of God i^m. v^c. twenty nyne zeiris, it is appuntit and concordit betuix ane reuerend fader in God Robert Bischope of Orknay on that ane part, and Margaret Lady Sinclar and William Lord Sinclar hir son on that vther part, that forsamekle as laitlie in the cuntre of Orknay thair is happynnit gret truble, as slachter, byrnyng, herschippis, and mony vtheris skaithtis, the saydis partyis for the honowr of God and haly kirk, obeisance and trew seruice to the Kingis grace, and the commonn weill of the cuntre, sall concur and be of ane opinioun for putting of reformatioun of the gret faltis committit in the said cuntre, bryngiu of the samyn to gud ordour and vndir ewir of justice ; and to that effect thai sall putt all thar poweris togidder to bryng this reformatioun and obeisance of the Kingis auctorite and justice to effect, wytht all at thaj can do be thame self thar kynn, freyndis, seruandis, and adherentis. Ant to the intent at thir thingis may be mair eisscly performit, the sayd reuerend fader sall, wytht all his menys, labouris, and deligens at he can, mak help to freytht aud releife the said William Lord Sinclar ont of the handis of his adnersaris that now keipis and haldis him in Orknay ; and eftir his frethyng, ilkane of the saydis partyis, that is to say, the said reuerend fader, Margaret Lady Sinclar, and William Lord Sinclar her sonn, sall ilkane tak vtheris partis, and help and supple vtheris in all and syndry thar gud actionis, cansis, and qnerallis concernyng the kirk and landis of Orknay, thar honouris, thar lyvis, heretagis, and possessionis of guidis movable and unmonable, wytht all thar possibilite, labouris, travell, in the law and by the law, that may be helplie to vtheris ony wyis ; saiffand and rescruand to the said renerend fader all wyis, honour, reuerence, and seruice as accordis to ane bischope ; and quhen ony of the saydis partyis requiris vtheris of ony particular helpe in ony particular caus, ilkane of thame salbe redy to vtheris thairto, at all possibilite, wytht faytht and trewcht, but frande or gile : And gif ony of thame failzeis heirintle or dois ony wrangis, ininris, or inconucnicntis ony of thame aganis ane vther, the partye failzeand sall content and pay to the party keipand, the sowme of ane thowsand li. vsuale money of Scotland, for dampnage and skaythtis snstenit and to be sustenit be the partie quham to the falt beis maid throw brekyn of this contract : And the said Margaret Lady Synclare sall caus Patrick Erle Bothuell, and Patrick priour of Sanctandrois be contentit to be applyit in this contract, and be comprisit in the samyn for the keiping heirof, lik as the principale partyis, and in takynnyne of the samyn sall snbscrine this contract, like as the principale party dois ; And the said lady and Schir William Scot of Balwery, knycht, ar bnndin for the said William Lord Sinclare, hir soun, for the obseruyng and keiping of all pnnctis forsaid : And ilkane of the saydis partyis sall tak part wytht vtheris trewly, as said is, for athar thair lyfe tymis, and sa lang as thai ar on lyfe : And the said reuerend fader sall caus ony of his tender freyndis, as the Erle of Lennox, and vtheris his freyndis, to be comprisit in this contract, as the said lady and hir soun will desyre. In witnes heirof the saydis partiis hes subscriuit this contract wytht thair handis, zeir and day forsaid, befoir thir witnes, rycht honorable men, Schir William Scot of Balzery, knycht, Maister Johne Hepburn of Benston, Robert Maxwell, and vtheris diners, etc. And this contract to hane effect als weill for kynn and freyndis as for thame self, etc. And gif any of the saydis partyis desyris this contract to be maid better or sickarrar, it salbe extendit in the best forme, at the will of the party reqnirand, etc.

M^rGRARET LADY SINCLER, with my hand at the pen.
WILLIAM SCOTT of Baluery, Knycht, mann propria.

Ita est M. Walterus Grot notarius publicus, manu propria scripsit.

(3.) Inventories of the effects of Robert Maxwell, Bishop of Orkney, in Edinburgh and in Orkney, at tbe time of his death in 1540.

I.—*In Edinburgh.*

The entrece and inwytour of my Lord of Orknayis geyr now in Edynbwrght, at Witsonday the zeir of God ane thowsand fyif hundretht and xl zeiris.

The Kytching.

In primis, twa dosan platis ; item, ane dosan dissis ; item, ane dosan sawsaris ; item, ane dosan trwnsouris ; summa v dosan wesschell. Item, fowr panis, thre hail and ane ald ; item, in pottis, fowr and ane posnet, and thre hais hoillis ; in spittis, ij ; in irn chymlayis, j ; in tangis, j ; item, ane walter twb ; item, ane dressyng burd.

The Pantre.

Item, twa flacatis ; item, twa tyn quartis, and ane tyn pynt ; item, thre dorynwoick barclathis for my lordis bwrd ; item, thre lynnyng barclathis for my lardis bwrd ; item, thre lynnyng barclathis for the syid bwrd ; item, fowr towallis to the hee bwrd ; item, braid serwiattis, vij ; item, in small serwiattis, xxiiij ; item, ane salt fact, and sax silwer spwnys ; item, in lynning copbwrd claithis, ij ; item, an ald rewyn dornyk copbwrd clatht ; item, in creym stowppis, iij ; item, chanlaris, ij ; item, in coppis, viij ; item, the cheis that my Lord Lyill praset to my Lord ; item, ane pwnsyoun to keip b and twa b$^{d.}$ in it ; item, ane fedder bed and thre coddis ; item, ane arres work.

The Ladynner and Sellar.

Item, ane berrell with part of wergis ; item, in ail, xv quartis ; item, ane steip twb.

The Stabillis and Zowngis compt.

Item, ane sadill with ane welwat harnessing gilt with gold ; item, ane wattryng new brydill ; item, ane hors kaym ; item, ane howssing gyrt ; item, ane hors collar ; item, ane hors hows ; item, anc ledder tee ; item, ane ledder cwrpall ; item, my lordis new bwittis ; item, ane payr of spwris.

The Chammyr abwyn the Hall.

Item, sewyn haill speyris, and ane brokyn speyr, and iiij of tha heiddit ; item, anc sewinsadill.

The Hall.

Item, ane bancour on the hee bwrd ; item, ane syid bwrd with stand and brandres with twa fwrmis ; item, ane hyngand flowr ; item, ane wessing basing of glas ; item, ane brasyn basin ; item, ane fwrm afoyr the hee bwrd.

The Oritour abwyn my lordis chammyr.

Item, ane alter with ane cwrting abuyn the alter; twa towallis, ane challes, and ane pax; ane mes bwyk, ane latrane, ane ab, ane chesabill, ane amet, ane stoill, ane fannon, ane corporall, ane frwntall, ane alter stayn, ane fwrm; item, twa Franche cofferis contenan, into the fyrst, viij sarkis, ane dowbillat of sating, ane vnyter, the sank on ane staf, on ower bayn, twa portewssis, fowr armis of my Lord Lenox; item, in the toder coffer, in primis, ane hwid of chamlet of silk, and ane chammyrris of sylk; ane quarter of rissillis, blak; twa payr of blak hois; ane reid bwkram claitht abowt the chammyrris; thre ell of blak welwat; half ane ell of blak sating; ane chyir; ane hynging arres work on the wall; ane kyst with writtingis of Cardonall; ane payr of brokin organis; ane maill; fowr poillis of the cofferis; ane haly walter fact; ane pig with wyn to the mes; thre payr of schoyn; ane sacryng bell; ane glassing lawwer that keippis walter to the mes; ane peis of glas; ane challeis dispendit of tyn; ane tabernakyll of the crucifeis; ane paper wantin the crusifix, with gloria in excelsis Deo; ane corporall cais of wiolat chamlet; fowr torchess, etc.; ane arres work, etc.

My Lordis Chammyr.

Item, ane schring, with twa cowppis of silwer with twa cowerris, dowbill gilt, with casis efferan thair to; ane silwer cowp with ane cwyr; ane gown of damas lynit with martrikis; ane kyrtill of wiolet chammyllet, lynit with fwnzeis; ane payr of cwrtyngis of wariant tapheteis, ane payr chemyrris of tanny chamlet, lynit with bukram; ane ryding coit lynit with blak gra of chergis; ane box of my lordis, with dineris thingis; ane copbwrd claitht of alix^{r}; the lyning of ane hwid of greis bordowrrit with martrykis, part of blak fwrring, with ane breid of reid saye; ane chais with fowr bannettis, ane bwst with ewidence of Pollok and my Lord Lennox ewidence of Torboltown, and ane cowerring of ane eocrist in ane rwnd bwst; Sanct Maugnus horn; ane mwlet bit; v speyr heidis; ane clois strek bed with ane foyr curting of reid, zallow, and greyn of saye; twa fedder beddis, twa bowstaris, fowr coddis, thre payr of blancattis, ffyif hyngaris; ane reid cofferr with small geyr and wrettingis; sax qwissanis, ane litill qwissan; iiij payr of scheittis; twa arrasis, twa payr of plaiddis; ane hwid of crammase sating, lynit with spottit arme; ane hwid of blak welwat lynit with mynnywar, bordourrit with spottit arme; ane blak mantill; ane fuyt mantill; ane rwnd coffer with ewidence and letteris; ane lytill box with my lordis stamp; ane spwngis with ane rwbbowr; ane bwrd with twa crestis, with ane bancowr of Alix^{r}; ane syper coffer with my Lordis rokattis and hwiddis; ane typpat of blak welwat lynit with spottet arme; ane irn chymlay; ane payr of pantoups; ane walter pot of tyn; twa chyiris; ane dry closat; thre drinking werris; twa pesis of glas, ane nycht bannet; twa nycht cwrcheis; ane nycht mwtht; twa rwbbyng claithis; twa payr lynning sokis; ane paper, the crweifix; ane hat, and ane typpat of blak taffatie in it; ane blak tippat; ane welwat bannet, and ane sating bannet; twa chanlaris; ane coit of welwatt; ane wilecoit of skarlet, and ane wilie coit of plaid; ane payr of sokis of plaid; ane dowbillat of dowbill worsat; ane cornakyll bwyk; ane pontificall, cathena aurea; ane new testament; ane wrison bwyk; ane alter stayn; ane cais of camis, with any caym, with ane mwrrowr; ane portens; ane fwrm; ane blak staf; ane habbyrschon of mailze in Bigbe Diksounis hand; ane kais of knyiffis in ane cwtillaris hand, that Ihon Lynsay kenis; item, gown of Pareis blak, lynnit with fwnzeis; ane gown of rowand rwssat, lynit with blak bwigis; ane bwik de vita Cristi; item, ane payr of blak riding cloykis, etc., ane mat; ane tabernalyr with ane glass.

II. *In Orkney.*

Memorandum—Ane Invitour of my Lord Bischop of Orknais geir, baith of his clething, bedding, gold, silwir work, and inspreth of his place.

Item, inprimis, viii fedder beddis with boustaris ; item, arrace workis and wardouris, tuelf ; item, in blancatis, fife pair ; item, in schetis, sax pair ; item, in coddis, xiiij.

The Bulzement.

Item, ane blak gowne of Dammas lynit with mertrix afoir and quhit lamskynnis behynd, etc. ; item, ane gowne of Paris blak, lynit with funzeis afoir and quhit lamskynnis behynd ; item, ane gowne of rowane russat, lynit with blak lamskynnis ; item, ane kirtill of wiolet chamlet, lynit with funzeis afoir and quhit lamskynnis behynd ; item, ane chemeis with ane hude of wiolet chamlet of silk ; item, ane riding chemeris of tanny chamlet, lynit with blak bukrame ; item, ane hugtone of blak welwet without slefis ; item, ane hugtone of sergis without slefis ; item, ane dowblet of blak sating ; item, ane dowblet of sergis ; item, ane wilycoit of Demegrayne ; item, twa pair of blak hois ; item, thre side nekkit preistis bannettis ; item, ane tippet of blak welwet, lynit with spottit armye ; item, ane wder tippet of auld blak taffiteis ; item, ane hat of blak welwet ; item, ane furryne of blak lamskynnis of ane riding gowne ; item, ane curtein of wariant taffiteis of ane bed ; item, thair is four pair of say courteins of reid, grene, and zallow ; item, thair is iij bankowris for burdis, and ane copburd bankour ; item, thair is sax pokkettis ; item, ane hude of crammesy sating bordorit with spottit army, and ane hude of blak welwet lynit ; item, in sarkis nyne ; item, thair is nyne cussanis, and twa welwet bannettis ; item, of blak welwet, nyne quarteris ; item, of new blak sating, sewin quarteris.

The Keching.

Item, sax brasyne pottis ; Inde ane pot of x quartis ; ane wder sevin quartis ; ane wder sax quartis and half ane galloue ; ane new pot, half ane gallone ; ane wder, ane pynt ; item, tua irne pottis, inde, ane ane gallone, ane wder half ane gallone ; item, fife pannis, inde tua, ilkane fife quartis, wder tua, ilkane ane gallone, and ane threc pyntis ; item, in powder weschell sax dosane, inde, in plaittis, xxviii, inde xv Inglis plaittis, and xiii Scottis plaittis ; inde, iii brokin ; item, in trunschouris, fiftenc ; item, in sawsaris, xix in gret and small ; item, in dischis xi, inde sevin Inglis and four Scottis ; item, in spittis twa lang spittis ; item, twa dowble rakis ; item, ane ladill, ane tangis ; item, ane chaularis, aucht etc.

The names of the Bukis.

Item, ane prent pontificall ; ane small text of ane pontificall ; item, ane auld writtin pontificall ; item, scrutinium scripturarum ; Cathena aurea sancti Thome ; item, psalterium cum commento Edwardi episcopi ; Biblia in pergameno scripta ; anc Inglis buke of goweir ; anc Inglis buke of the historeis and sanctis liffis, and storeis of the Bible ; item, the Cornakillis.

The silwir Weschell.

In primis, ane cowp, and the cower dowble ourgilt, extenden to thretty four wnce, etc. ; item, ane wder less cowp, and the cower dowble gilt, extenden to twenty sevin wncc and ane half wnce ;

item, ane siluer stoip, with ane lid, extenden to thretty ane wnce and ane quarter ; item, ane goblet with ane lide, twenty fife wnce and ane half wnce; item, ane litill goblet with thre feit, without ane lid, x vnce and a quarter ; item, ane siluer salt fat, withont ane cower xj wnce ; item, sax siluer spwnis—ten wnce ; item, ane masar and salt fat, with ane cower, extenden to twenty sevin wnce ; item, ane corss of gold, and ane goldin ring with stanis and peirlis, extenden to alevin vnicorne wecht.

The Napre.

Item, thre dornyk burd clathis ; item, four lang towellis ; item, fowr braid serwiattis ; item, in small serwiattis, sax ; item, in houshald burd clathis, fife ; item, in flakattis of tyn, iij ; item, in stowppis of tyn, iiij quartis and ane pynt ; item in coffiris, iij ; item, ane litill rownd coffir ; ane reid coffir ; ane kist ; item, ane litill kist of cipir ; item, hugtone coit of tanny grance ; item, ane fnt mantill, ane harnessing, of blak welwet ; the jwntouris and bukillis dowble our gilt with gold ; item, an harnessing of blak ledder ; item, tua riding sadillis ; item, thre boxis, and ane litill box ; item, ane schell of ane leid contenan ; item, ane gret mash fat contenan ; item, mony punzonis and barrellis.

Item, in gold that we saw, that was in ane litill purss in my lordis box.

Item, primis, fifty ane crowne of wecht ; item, sax wnicornis; item, thre Scottis xl^ti. singill ducattis; item, tua slicht crownis ; item, twa ridaris ; item, ane demy ; item, ane side coit lioun ; item, ane half wnicorne ; item, alevin rois nobillis ; item, tna Hary nobillis ; item, ane soverane ; item, fonr dowble ducattis ; item, ane singill ducat ; item, thretty tua angell nobillis ; item, ane half angell nobill, etc.

In a previous part of this volume (p. 282) there is printed an obligation by Sir John Maxwell of Pollok to keep and answer for the silver plate of the Bishop after his death. There is still preserved at Pollok an ancient massive silver tankard, known as the Bishop of Orkney's tankard. The following account of it was transcribed by the late Hannah Lady Maxwell :—

The Danish silver tankard has long been a relic in the family. It was in the possession of the Bishop of Orkney, and it was said to have belonged to his ancestors for many generations before that period. Sir John Maxwell, uncle to the present baronet, sent it with some other silver articles to a Mr. Glen, jeweller in Glasgow, about eighty years ago, to dispose of as old silver. Mr. Glen returned it, and stated that, in his opinion, there was not a more ancient tankard in Scotland. Tradition has handed down the reason of the nobs in the inside of it—that the Danes were so attached to drinking, and their passions so violent when drunk, that to keep them within the bounds of temperance, any one who drank more than was contained between two of the nobs when the tankard was going round the table, was fined for his love of the contents.

An old butler in the family, who resided at Polloc Shaws, had this history by chance in his possession. He was past eighty years of age when he sent this to John Maxwell, M.P., and I have put it in this inventory book that it may not be lost. Nov. 4th, 1827.—H. A. M.

D'ARCY BRISBANE, LADY MAXWELL.

1738-1810.

A SKETCH of the life and character of this distinguished Christian lady appeared in the "Wesleyan Methodist Magazine" for the year 1816. The next printed memorial of her was by Mr. Robert Bourne, who, in 1819, published "A Christian Sketch of Lady Maxwell,"[1] which contains much that is included as original matter in the later biographies. After the lapse of three years, the Life of Lady Maxwell was published by the Reverend John Lancaster, Wesleyan minister at Edinburgh, in two volumes duodecimo. The work sold rapidly in this country, and soon passed through several editions also in America. A new edition being called for, the work was reissued by Mr. Lancaster in one large volume, octavo, in 1826. This second edition of Mr. Lancaster's work was enriched by additions and illustrations, derived from Dr. Jones's then recently published Life of Lady Glenorchy, with whom Lady Maxwell was long on the most intimate terms, and was appointed her executrix, and the custodier of all her papers. This edition having become exhausted, and its author having died, a new edition, abridged and revised, in one volume, was published by the Reverend William Atherton, in the year 1839.[2] This new edition being easily accessible to all, it were unnecessary, even though space permitted, to give any lengthened account of her in the present work. At the same time it seems desirable to give a few particulars concerning so eminent a Christian, who is such an honour to her own and her husband's families.

D'Arcy Brisbane, Lady Maxwell, was the youngest daughter of Thomas Brisbane of Brisbane, in the parish of Largs and county of Ayr, and Isabel, his wife, daughter of Sir Thomas Nicolson of Kemnay and Ladykirk, by Margaret, daughter of Sir Thomas Nicolson of Carnock. D'Arcy Brisbane was born in the year 1738. She received the first portion of her education under the parental roof, at Brisbane House, but was afterwards sent to Edinburgh for

[1] Hatchard & Son, Piccadilly, London, small 8vo, pp. 102.

[2] John Mason, 14, City Road, London, pp. 491.

its completion. Even at this early period that amiability and dignity of character, for which she was so distinguished in after life, had begun distinctly to manifest themselves. When a mere child, she took the greatest delight in relieving the wants of the poor, and sometimes stripped herself of portions of her own dress to cover tattered and shivering children. And when at school in Edinburgh, such were her sharpness of intellect, elevation of spirit, and dignity of bearing, that even then she overawed her associates, or commanded their respect. From Edinburgh Miss Brisbane was removed to London, where she resided with her aunt Margaret Marchioness of Lothian, and was presented at Court, and introduced into the first circles of rank and fashion. Her stay in London, however, was short. Lady Lothian died in 1759 ; Miss Brisbane returned to Scotland, was married in the following year to Sir Walter Maxwell, and within two years she was bereft both of her husband and their only son, as already related in the memoir of them. When these severe afflictions came upon her, she was only twenty-three years of age ; and when the death of her infant son was announced to her, after a silent struggle with the feelings of nature, she said, "I see God requires my whole heart, and he shall have it." This resolution her Ladyship was enabled to keep. From that time onwards her life was entirely devoted to works of unostentatious piety and usefulness. Living chiefly in Edinburgh and its neighbourhood, and being then in the bloom of youth, favoured with a person cast in nature's finest mould, possessed of a mind superior both in its character and its culture, capable of raising admiration and esteem, as was to be supposed she had many offers of marriage through which she might have elevated her rank, and allied herself with some of the best families of the country. But except with regard to one offer, and that for a very short time only, it is believed she never once entertained the thought of relinquishing her state of widowhood. Her affections, as well as her time and talents, were henceforth all to be devoted to the great object of her life, that of being good and doing good.

At one time, however, all her Ladyship's schemes of benevolence and beneficence were very nearly being brought to an abrupt and premature close, by an accident of an appalling nature, which to her, considering the circumstances of her last bereavement, must have been very affecting. We allude to the falling of the old North Bridge of Edinburgh on the 8th August 1769. Her Ladyship

had passed over the bridge going to chapel, about four hours before the accident, and she was within less than five minutes' walk of repassing it, when the dreadful catastrophe occurred. In a moment, she says, a terrible noise filled the air. It seemed as if the pillars of nature were giving way. Instantly the cry resounded, "The bridge is fallen." Amazement and fear sat on every countenance; each one dreading his own loss.[1]

In the year 1770, her Ladyship established a school in Edinburgh, for the gratuitous instruction of poor and neglected children. It proved very successful, and the benefits that accrued from it were so manifest, that though her Ladyship kept the management of it entirely in her own hands, she was liberally supplied from various quarters with pecuniary aid for its support. Feeling her health somewhat enfeebled about this time, Lady Maxwell went to reside at Saughtonhall, where the poor and neglected in the country found in her the same kind counsellor and ready helper which the needy of the metropolis had experienced her to be. About this time, too, she became acquainted with the famous Lady Glenorchy, and new projects of benevolence and works of philanthropy, such as the opening of the chapel in Niddry's Wynd in 1770, for the preaching of ministers of all denominations, were the result of their united counsels.

Part of Lady Maxwell's correspondence with her sister-in-law, Miss Maxwell of Pollok, has been preserved at Pollok. The two following letters, being on her favourite theme, and not previously printed, are selected :—

"Edinburgh, *August* 30, (17)72.

"My dear Madam,—I must not doubt your veracity, and yet, if you had not said it, I should not have supposed my letters were agreeable; not because of the subject of them, for that, I believe, you love; but yet it is in itself so noble and grand, my pen can do it no justice. Rather as be able to excell in this way, I should wish to have a heart truely changed by the renovating power of grace, and continually under the sweet influence of the powerfull attraction of Divine love, which would produce a life and conversation in some measure becoming the gospel. This is the most perswasive language to the world, and of the greatest consequence to the happy possessor. At the same time, I believe, when the love of God is truely shed abroad in the heart, the tongue cannot be altogether silent, but will endeavour, tho' a stammerer, to set forth the praises of Him who hath called them out of darkness into his marvellous light; and upon this account Satan bends all his force against the soul's obtaining and maintaining a clear and constant sense of its interest in the Lord Jesus,—well knowing that while this great matter hangs in doubt, we can neither be lively nor comfortable Christians. But surely it is the privilege of all that sincerely seek the Lord,

[1] Diary, under date 8th August 1769. Life, by Mr. Atherton, p. 62.

to find him, and rejoice in him. Oh what a source of consolation is Jesus to the believing soul! when by faith we can say, 'The Beloved is mine, and I am his.' We then walk with him, and converse with him as a man with his friend :

'My Jesus to know, and feel his blood flow,
'Tis life everlasting, 'tis heaven below!'

This is the happiness that real religion imparts to the soul that is possessed of it, in the oracles of truth term'd righteousness and peace and joy in the Holy Ghost. My dear Madam, may you and I partake of this : What less can satisfie the desires of an immortall soul, what less can give solid peace and satisfaction in this world of sorrow, sin, and disappointment? But don't think this is the language of a heart made peevish thro' repeated affliction and disgusted with the world : Oh, no ; by the wise appointment of unerring Providence I have no doubt drank deep of that bitter cup, and thereby suffered till I sinfully thought I could suffer no more ; but I bless the Father of mercies who enables me to say in some measure from my heart, Not my will, but thine be done : I now feell in a small degree the truth of the poet's words :—

'And, oh! what cannot resignation do?
It wonders can perform ;
That powerfull charm, Thy will be done,
Can lay the loudest storm.'

"Having tasted that the Lord is gracious, which affords a joy infinitely superior to what the world can give, I feell little or no thirst for anything it can bestow. But I forget where I am runing, and must have done. I have wrote with much freedom, but believe I am safe with you. I thank you for being interested about my health, which is of little consequence, yet have reason to be thankful it has been pretty good since I came to this house. My mother and sister also are well, and return best compliments to Mrs. Montgomerie and you. I'm pleased to hear she and all our friends are well : Adiew, my dear Madam.—Believe me, sincerely, your affectionate sister,

"D. Maxwell."

"Coates, 10*th May* (17)85.

"My dear Miss Maxwell,—It is long since I had the satisfaction of hearing from you : Perhaps in this I am to blame, but tho' so long silent, my regard and esteem continues the same. The mournful event that has befaln calls forth my pen to express my concern for and sympathy with Mrs. Montgomery and you, which I do most sincerely : My own heart has bled afresh on this melancholy occasion : It has proved the means of recalling, with more keen distress than I can easily express, what I suffered upon a similar occasion, and what to my latest moments will prove a source of sorrow ; yet, I hope, with resignation to the Divine will. The Most High cannot err in any of his dispensations towards his creatures, and it is their privilege not to choose. Afflictions are a painful medicine to the human heart, but they are often productive of lasting good : I hope I am in some small measure a witness of their salutary effects when sanctified : By these I have been made to know myself, to know my God, and made, thro' abounding mercy, a happier partaker of what I would not exchange for ten thousand worlds. I sincerely pray that your sister and you may share largely of these Divine consolations in this season of distress, and that the hopeful children may be the peculiar charge of heaven : With kind love to Mrs. Montgomery, I remain, my dear Miss Maxwell, your affectionate sister, etc.,

"Darcy Maxwell."

After Lady Glenorchy's death in 1786, Lady Maxwell's duties were very much increased, and the sphere of her usefulness greatly enlarged. Lady Glenorchy appointed Lady Maxwell her executrix, and so devolved upon her the onerous task of superintending all her extensive charities. But she also left her what proved to be a considerable increase of fortune, and so supplied her with what she so ardently wished for, the means of doing more good. Accordingly, in addition to going to England, visiting Hope Chapel at Bristol, and attending to other duties pertaining to her as Lady Glenorchy's executrix, Lady Maxwell now vigorously set about the establishment of Sabbath schools, and the performance of other additional works of benevolence in Edinburgh. Indeed, so ardent was her desire of doing good, of administering to the wants of the poor and needy, that by plainness of dress and frugality of living she saved all that she possibly could solely for the purpose of giving. During a great dearth and scarcity of provisions, which took place in consequence of the failure of the harvest in 1799, when her own household expenditure was necessarily increased, and when the cries of the poor became more distressing, her biographer tells us that she sold her carriage and horses to enable her to meet the necessities of the poor and destitute. Indeed, all that she could do, both in the way of saving and of giving, she did to the very uttermost, so that there was scarcely a humane institution, or a private or public charity, whether for the repose of age, or the instruction of youth; the relief of indigence, or the help of sickness; for the reformation of morals, or the spread and support of religion: from which she did not receive applications, and to which she did not contribute. She erected and supported the school already mentioned, in which, at the time of her death, about eight hundred children received a good education, and each a copy of the Scriptures on leaving the school. And such were the encouraging effects produced by this school, that her Ladyship was induced by will to provide for its permanent continuance. As she was prepared for every good work, the subject of her charities is an endless one. Could the dead arise, and would the living speak; the poor she has helped, the sick she has relieved; the orphans protected and the friendless assisted; embarrassed honest tradesmen that she raised above difficulty, modest merit which she brought into notice; the youth which she instructed and set out in the world; could these or would they speak, an army would rise to bless her memory.[1]

[1] Life of Lady Maxwell, p. 127.

Lady Maxwell died in her house in Castle Street, Edinburgh, on the 2d of July 1810, and was buried in the Greyfriars' Churchyard, where there is erected to her memory a monumental tablet, with the following inscription :—

SACRED

TO THE MEMORY OF

DAME D'ARCY BRISBANE,

WIDOW OF

SIR WALTER MAXWELL, OF POLLOK, BART.,

AND YOUNGEST DAUGHTER

OF THE LATE

THOMAS BRISBANE, ESQ., OF BRISBANE,

DIED AT EDINBURGH

JULY 2D, 1810.

Who was equally distinguished for her exalted piety,
benevolence, and Christian virtues, as she was
for her amiable disposition and dignified
manners. PROVERBS XXXI. 29.

Now she has dropp'd her cumbrous clay,
And joyful soars the shining way ;
While kindred spirits spread their wings,
And bear her to the King of Kings.
Long had she known the Saviour's love,
And fixed her heart on things above ;
Long had she run with even pace
A useful,—not uncertain race.
With various gifts and graces franght,
By the unerring Spirit taught,
She warn'd, allured, with fervent zeal,
Nor dared religion to conceal.
And now she shines in endless light,
In all her Father's glory bright ;
A spotless robe to her is given,
And all the glorious joys of heaven ;
She sees, with joy, her Saviour's face,
And sings the triumphs of his grace ;
Then casts her crown before his throne,
And glory gives to God alone.

This Monument is erected by her Nephews and Trustees,
Colonel Brisbane of Brisbane, and Archibald
Swinton, Esq., W.S., as a mark of
their affectionate regard.

BARBARA MAXWELL—MRS. GREVILLE EWING.

1773-1828.

A MEMOIR of Mrs. Ewing, by her husband, was published in 1829, the year after her melancholy death. As that volume is accessible to all, we must refer to it for details as to Mrs. Ewing's life and character. The following brief notice of her seems all that is necessary to be inserted in the present work.

Barbara Maxwell was the second daughter of Sir James Maxwell of Pollok, Baronet, and Frances Colhoun Lady Maxwell. She was born on the 20th December 1773, and was educated partly at home, partly in Edinburgh, and in London. Barbara Maxwell was marked, from a very early period, both for strength of intellect, and fervour and depth of affection. To her elder sister Frances, afterwards Mrs. Cuninghame of Craigends, she was ardently attached and looked up to her as her guide in everything. Her affection for her father, of whom she was bereaved when about twelve years of age, was intense, even at that early period. Sir John Shaw Stewart, her stepfather, proved a kind parent to her, and was in return loved and obeyed with purest affection. And her ardent, faithful, and unwearied love to her affectionate mother was manifest to all. With such amiable dispositions, it is not to be wondered at that Barbara was very much beloved by all that were about her. Her nurse may be mentioned as a case in point. Being a widow, her nurse had continued with her during the whole period of her childhood, till Miss Barbara was about to be committed to the charge of a governess. The nurse was much esteemed in the family, and it was proposed thenceforth to retain her as housekeeper. This the nurse herself at first declined, through dread of the responsibilities. But finding that she could not remain, unless by accepting the office, she at last said, "Rather than leave my bairn, I *will* be housekeeper, and do the best I can." The governess, too, who thus supplanted the nurse, became an intimate friend of Miss Maxwell.

On the 15th November 1802, Barbara Maxwell was married to the Reverend Greville Ewing, minister of the gospel, in connexion with the Congregationalists or Independents, at Glasgow. In thus becoming the wife of a

Christian minister, she seemed to be both fully alive to the duties and responsibilities of the position in which she was placing herself, and peculiarly fitted for the discharge of them. To encourage, to aid, and co-operate with her husband in the discharge of his varied and important duties, she at once made the business of her life; and how admirably she accomplished this object has been recorded by her husband himself. He says that when, in the providence of God, he obtained that union with her, which had proved the great solace of his life, and one of the greatest advantages to his ministry, he was aware of her distinguished Christianity, good sense, good temper, and captivating manners; but that he had no idea of the number and degree of the other valuable qualities in which she so much excelled. The sick, the poor, and afflicted received her peculiar care and attention. Her business habits were accurate, and her powers of management very great; and while she incurred no expense needlessly, she spared none where the interests of religion and humanity were concerned. For upwards of twenty years Barbara Maxwell thus continued an able coadjutor to her husband in his important duties. During that period they made frequent excursions to various parts both of the north and south of Scotland, and also to different parts of England, partly for the sake of health, but chiefly in connexion with the great work with which they felt themselves charged. In this way they visited in one season Ayrshire, Dumfriesshire, and Galloway; and in another, Caithness, and the north of Scotland. In the year 1824, they visited Durham, Cambridge, and London, with a view of obtaining subscriptions to aid them in their missionary operations in the Highlands. In the summer of 1828, Mr. Ewing was in rather delicate health, and various little family excursions were planned for recruiting his stength, and bracing him up for the duties of the following winter session; and it was during one of these excursions that Mrs. Ewing met with the accident that resulted in her death. They had been at Arran, where Mr. Ewing had greatly enjoyed himself, and whence he had returned with his health much improved. One other excursion, to the Falls of the Clyde, had yet to be made. On Wednesday morning, 10th September 1828, after committing themselves to God, they stepped into the coach, accompanied by Mr., Mrs., and Miss Catheart of Pitcairly. Nothing remarkable occurred during the first part of the journey. They breakfasted at Wishawtown. Meantime, the

weather, which in the early morning had been dark and showery, had become fine, and the carriage was thrown open that they might the better enjoy the romantic scenery in the neighbourhood of Lanark. They passed along the many slopes of the road in the high grounds overlooking the house of Lee. At the bridge across Cartland Craigs they left the carriage, and walked to the usual place for taking a view of that wonderful ravine. On arriving at Lanark, they ordered dinner at the inn, and while it was preparing, proceeded with the carriage to have a view of the Falls of Corehouse and Bonnington, and also of the mills of New Lanark. Entering the Bonnington avenue, they had passed the first gate, and were within three minutes drive of the second, where strangers put down their names and proceed on foot to view the Falls. They were now on a descent, on the edge of a steep bank, and the driver was proceeding slowly, as he had been desired. On beginning to descend, Mrs. Cathcart proposed stopping and getting out; but Mrs. Ewing said it was too late to stop now. Suddenly the two men on the box uttered a scream, and in an instant the coach was rolling down the embankment, crushing and bruising more or less severely all its occupants.

Mrs. Ewing was the most severely, and, as it proved, fatally hurt. Her right leg, says her husband, was broken close by the ankle, the leg bone protruding far through the skin; the foot out of its place, the bone fractured, the flesh lacerated, and the blood streaming. The sufferers were removed to Braxfield House, where Mrs. Ewing's limb was set, and everything that medical skill could suggest was done for her relief. The day following she had some sleep, and considerable mitigation of pain; and next day she was visited by her brother, Sir John Maxwell. On Saturday, the medical men became uneasy. In the evening mortification had commenced. In the morning, after a consultation, Dr. Anderson told Mrs. Ewing that they had no hope. After this solemn announcement, she improved the short time that remained to her, by assembling the family round her bed, that she might make known to them her dying faith and hope. At noon of the Lord's-day, 14th September 1828, she died, aged fifty-five. According to her own dying wish, she was buried in the Pollok vault at Eastwood, on the 20th of that month.

Mr. Ewing survived Barbara Maxwell about thirteen years. He died on Sunday, 1st August 1841, and, according to the dying wishes both of himself

and Mrs. Ewing, he also was buried in the Pollok vault at Eastwood, on 7th of the same month.

A valuable Memoir of Mr. Ewing, written by his daughter, Mrs. Matheson, was published in 1843, to which we refer the reader for further particulars regarding both him and Mrs. Ewing.[1]

The following tribute to the memory of Mrs. Ewing was written by Mr. Bernard Barton, a member of the Society of Friends, well known for many excellent poetical works. The lines were contributed to be engraven on mourning cards, and presented to the Sale of Ladies' Work at Edinburgh, in March 1829, for the support of the preaching of the Gospel in the Highlands and Islands, in which Mrs. Ewing took an interest :—

"She being dead, yet speaketh."

When sets the sun—his parted splendours fill
With glowing brightness all the western sky ;
When fades the rose—its ling'ring fragrance still
Tells that its sweetest charm can death defy.

E'en so, departed saint ! should thoughts of thee
Survive thyself, our sorrows to reprove ;
With angel tongue thy witnesses to be
In every work of *Faith*, and *Hope*, and *Love*.

Thy hallow'd memory, and thy spotless name,
Thy fervent piety, and fearless zeal ;
These still should advocate each Christian aim,
And yet for charity's blest cause appeal.

Thus from the grave thy voice may now be heard,
Pleading on earth for heaven's eternal bliss ;
And human hearts, by thy example stirred,
Rejoice to labour in a task like this.

Bernard Barton.

Woodbridge, Suffolk,
1st Month, 24th, 1829.[2]

[1] John Snow, Paternoster Row, London, 8vo, pp. 672. Letters to a Friend, by Mrs. Ewing, before her marriage, on conformity to the world, attending public places, card-playing, and other sinful compliances, by professed believers in Christ, were printed in 1835 : Small 8vo, pp. 16. Glasgow : George Gallie.

[2] Memoir of Barbara Ewing : By her Husband, Greville Ewing, p. 137.

The following verses were written by Miss Harriet Anne Maxwell, on Monday, 22d September, when her mother, Lady Maxwell, visited Mrs. Ewing's grave :—

HERE rests with her fathers, all calmly reposing,
As fervent a Christian as ever had breath,
Who parted so gently with life at its closing,
It seemed to be only the semblance of death.

No hero in ancient or modern story !
No warrior panting for honour and fame !
No scholar who dreaded to tarnish his glory !
E'er yielded up life with a steadier frame.

The fiat went forth and the spark was extinguish'd,
In triumph of joy, through the faith she possess'd ;
And those she most lov'd in a moment relinquish'd,
With pray'rs that they all might be found with the blest.

No epitaph praises, no marbles adorn her,
With sculpture and song to emblazon her birth ;
The poor and the helpless they miss and they mourn her ;
The sick and the sorrowful tell of her worth.

'Twas not an ephemeral kindness that perish'd,
Or owed its existence to effort and toil ;
'Twas not an exotic that needs must be cherish'd !
The flower was indigenous, sprung from the soil.

So boundless her love for the whole of creation,
She had not a blessing too great to impart ;
She would have spread knowledge from nation to nation,
And told them of Jesus, the hope of her heart.

For if there was ought that unusually brighten'd,
Her radiant eyes with her happiest smiles ;
It was when the Christian soldier enlighten'd,
Or planted the standard of Christ in the Isles.

Her song was redemption ! and now she is reaping
The fruits of her faithfulness, ardour, and worth ;
Her ashes in peace with her ancestors sleeping,
Her spirit with Him whom she worshipp'd on earth.

In the memoir of Greville Ewing, before mentioned, reference is made to the severe and hopeless sufferings of Miss Maxwell of Pollok, as one cause of his latest sorrows. At the time of his death, those sufferings still continued. His daughter adds :—"How much this circumstance enhances the value of the communication which follows, I leave the reader to judge. It possesses, likewise, all the interest of a dying testimony to the truths of the gospel ; as the writer was also, within a very short period after their date, 'gathered to the place of her fathers' sepulchres' :—

"My dear Mrs. Matheson,—I think it probable that a memoir of your late dear and distinguished father will be published ; and I cannot withhold the only tribute of respect I am able to pay to his memory. I dedicate the enclosed lines to you, and with kind remembrances to Dr. Matheson, I remain, yours very sincerely,

"Harriet Maxwell.

"Pollok House, August 1841."

To the Memory of the late Rev. Greville Ewing.

You have join'd her again, whom you cherish'd on earth,
And your ashes are laid near the spot of her birth ;
You have pass'd through the portal of sorrow and gloom,
And you quietly rest in her ancestors' tomb.

Your warfare is ended—your trials are o'er,
The pangs of remembrance shall haunt you no more ;
You have met your Redeemer himself in the skies,
And the tears are already "all wiped" from your eyes ;

And welcomed by thousands, who heard from your voice
The message of mercy, that bid them rejoice ;
Uniting their music, which never shall cease,
They glorify God for the Gospel of peace.

And now with your noble companion and friend,
The sweet hallelujahs together ascend ;
Divested of weakness, delivered from pain,
You can cheerfully sing of "the Lamb that was slain."

Thus honour'd for ever, in regions of light,
Your harps are in tune, and your garments are white ;
Yet trusting in Him for salvation alone,
You have cast both your crowns at the foot of His throne.

HANNAH ANN GARDINER, LADY MAXWELL OF POLLOK.

1788-1841.

This lady was the only daughter of Captain Richard Gardiner of Mount Amelia, in the county of Norfolk, by his wife Miss Bromhead of Thurlby, in the county of Lincoln.

Captain Gardiner was an officer in the 4th or King's Own Regiment of Foot, and was present at the capture of Guadaloupe, in the West Indies. Of that event he wrote a narrative; and he was also author of several articles on the political parties of the day. He died on his passage home between Guadaloupe and St. Kitts, and was buried at sea.

His father, the Rev. Dr. Gardiner of Aldborough, in Suffolk, grandfather of Lady Maxwell, died in the year 1770, aged 68. His death was caused by his having been inoculated, in an attempt to encourage his flock to adopt that precaution against small pox.

Lady Maxwell was born at Swaffham on 13th October 1764, and was married to Sir John Maxwell in the year 1788. During the half century and upwards of her married life, Lady Maxwell enjoyed the greatest happiness with her husband and children. She was of a cheerful and lively disposition—very amusing in society, and possessed considerable powers of composition, both in prose and verse. The following letter of thanks was sent by her Ladyship to the Pollokshaws Royal Arch Lodge of Freemasons, in answer to an address from them, on 12th May 1831 :—

I beg leave to return my thanks to the Masonic Body of the Polloc Shaws Royal Arch Lodge for the honor they have done me in presenting an address, by the hands of their respectable deputation, and for their expressions of satisfaction at the reception they met with, in the absence of Sir John Maxwell on Monday last.

I feel much gratified at the flattering eulogiums bestowed on myself and daughter, but still more by the just appreciation of the consistent political career of my husband and son. The latter, at the earnest request of the freeholders, is now standing for the county of Lanark. If he fails, he has shown his sincerity in the cause of reform; if he succeeds, he will support it, and add another link to the great chain that unites a free and loyal people with a generous, gracious, and beloved sovereign.

I take this opportunity of acknowledging my deep sense of the honor conferred on this family by the visit of so many hundreds of our friends and neighbours on Monday evening, and the peculiar distinction of mingling the Maxwell arms and the Maxwell motto with flags decorated in honor of King William, and upholding his enlightened, honest constitutional principles.

My friends, I am neither a member of the Cabinet Council, nor the Royal Arch Lodge, but I am the daughter of a Freemason, and the mother of a Freemason, and I desire nothing more than to behold the King, the nobility, the gentry, and the people form one grand edifice, where every prop is of consequence,—where every stone is of value,—where the foundation is sound, and the superstructure solid, and where the whole is cemented by that brotherly love which distinguishes the Freemasons over all the civilized world.

Pollok, May the 12th, 1831.

In the following year, during the candidature of her husband for the representation of the town of Paisley, after the passing of the Reform Act, Lady Maxwell and her daughter received a kind reception from the electors. She thanked them in the following letter :—

Gentlemen,—I beg leave to return my most grateful thanks for the polite and kind reception I have experienced this day. The honour you have conferred on my daughter and myself can never be forgotten while I have life, and will ever be cherished as one of my most pleasing recollections. But above all other testimonies of your favour do I prize your just appreciation of Sir John Maxwell's political character, in desiring him to become your representative in a reformed House of Commons.

Gentlemen, he is thoroughly well known to you as a consistent advocate of civil and religious liberty, loyal to the King, attached to the constitution, devoted to the people, and your choice is at once the evidence of his worth and the brightest reward of his long and tried fidelity.

Gentlemen, I may be supposed to be partial, but I must be allowed to say, that I have had the honour of Sir John Maxwell's acquaintance from an early period of his life, and I never knew him do an unkind action to any human being, or make a promise that he did not strictly perform. I feel confident that in him you will really be represented. Honest, upright, and perfectly disinterested, he has no wish in opposition to yours ; and the trade and commerce of Paisley, the prosperity and happiness of its inhabitants, will assuredly be his constant study and deepest concern.

If entrusted with the important charge of representing your honourable, free, and enlightened city, the event shall be recorded with gratitude, and deposited in the charter chest beside other valuable papers belonging to the ancestors of Sir John Maxwell—men who like himself stood boldly forth in times of difficulty, and spared neither health nor fortune, or any other earthly good, in defence of the tranquillity, the rights and the liberties of the people.

Gentlemen, permit me once more to express my warmest acknowledgments for all your goodness, and to bid you farewell.

Lady Maxwell took pleasure in collecting everything bearing upon the history of the Pollok family. She also made notes on several relics preserved

in the family. Among these is a necklace, which is thus described by her Ladyship :—

THE HISTORY OF THE BLOOD-STONE NECKLACE LEFT BY MRS. EWING TO MY DAUGHTER HARRIET.

I will relate, so far as I have heard, that it has been worn by hundreds of women threatened with miscarriage, and has in many instances been successful, as many now living are willing to attest.

How long it was in the Earl of Hyndford's family, I know not. But the Countess left it to her daughter, Lady Ann, who married Sir John Maxwell of Polloc. Lady Ann left it to her daughter, Miss Maxwell of Polloc ; Miss Maxwell of Polloc left it to her sister, Mrs. Montgomerie ; Mrs. Montgomerie left it to Miss Barbara Maxwell of Polloc, who married the Rev. G. Ewing ; and Mrs. Ewing left it, in September 1828, to Miss Harriet Maxwell of Polloc.[1]

N.B.—I shall endeavour to get a list of some of the ladies now living who have been benefitted by wearing it.

Lady Maxwell formed a scrap-book consisting of several volumes, each of such size as to be almost too unwieldy for one person to lift. A description of the contents is given in the following lines :—

LADY MAXWELL'S SCRAP-BOOK. [BY MISS MAXWELL.]

HERE good and bad drawings are offered to view,
With an equal melange of the characters too ;
Here statesmen are jostled by Radical priuts,
In which Whigs and Tories and all get some hints ;
Plants, flowers, and machinery filling the gaps,
'Twixt ladies and exquisites, poachers and traps,
Physicians and orators, greater and less,
Old fashions, new fashions, giants and dress ;
High Churchmen, Dissenters, and poets, and kings,
Soldiers, sailors ; and medals, with all sorts of things,
Then look at the volume, and may it have power,
To change a sad thought, or amuse for an hour.

In the winter of 1840-41, Lady Maxwell was a greater invalid than she had been for several years. Her strength was much exhausted, and it seemed as if her dissolution was not far distant. Mrs. Matheson, in her memoir of her father, Greville Ewing, states that his visits and prayers had ever been peculiarly acceptable to Lady Maxwell in seasons of distress ; and as he perceived

[1] By her will, made in 1841, Miss Maxwell bequeathed to her father, Sir John, "the Countess of Hyndford's blood-stone necklace, being an heir-loom." The necklace consists of twelve small jasper stones of the size and shape of an olive berry, in all 10½ inches long, on a white silk ribbon.

her approaching nearer to eternity, his anxiety for her spiritual welfare became more and more intense. Lady Maxwell was released from her sufferings on the 21st May 1841. On the 27th of that month Mr. Ewing wrote to his daughter that he had great reason to be thankful that Lady Maxwell was enabled to turn to God in her illness, and to obtain peace with him, through the merits of the Lord Jesus Christ; and to give the most satisfactory evidence of enjoying a blessed state of reconciliation, peace, and hope. The fear of death was quite taken away, and a deep impression made on those who were about her.[1]

Subjoined are several verses by Lady Maxwell and her daughter Harriet, on various subjects and occasions :—

LADY MAXWELL TO HER SISTER-IN-LAW, WITH DRAWING OF POLLOK HOUSE.

MY DEAR SISTER,

As I thought you would like to see Polloc again,
Though so oft for your presence I've sigh'd for in vain,
I send you its picture, a present from me,
To remind you of mansion, and garden, and tree.
Scenes long passed away, it will quickly recall,
Sister, nieces, and nephew, and pony, and all;
And Castle of Cruckston, that classical spot,
So often admired, and so seldom forgot.

Since my twenty-fifth year, with my much-loved Sir John,
Most happy I've been, and I still journey on;
I've reared four dear children—two only are left,
And of them, I pray God, I may ne'er be bereft.
Yet though friendship, and love, and esteem I have known,
And my husband's estate been the same as my own,
I am ready to go when my Maker commands,
To "inhabit a House that is not made with hands."

Your affectionate Sister,

HANNAH ANN MAXWELL.

February 14th, 1835.

LADY MAXWELL TO HER BROTHER, JOHN GARDINER, 1ST APRIL 1836.

THESE stockings, dear Jack, I have worked for the gout,
Tho' I hope, my dear brother, you'll long do without;

[1] Memoir of Mr. Ewing, p. 586.

The worsted was spun, too, on purpose for me,
To warm and to cover your foot, leg, and knee.
The night-caps, I trust, on your head you will pull,
In spite of the proverb to keep the head cool ;
And if they should please you, 'twill make the heart glad
Of your wife, such a wife, too, as never man had,
As well as your sister, who knitted them all,
And the whole of this spring time attended a ball,
And though modesty might keep my vanity mute,
I may boast that I still have the ball at my foot.

And remains yours affectionately,

HANNAH ANN MAXWELL.

LADY MAXWELL TO HER BROTHER, WITH BUST OF HER HUSBAND, SIR JOHN MAXWELL, MARCH 1834.

How d'ye do, Mr. G. ? How d'ye do my old friend ?
By your sister's commands, I your summons attend,
My dear Mrs. Gardiner ! I hope you are well,
And will give me a corner wherever you dwell,
I'm rather colossal, I humbly confess,
But I think you will welcome me, nevertheless ;
For I've only reversed the old proverb we're told
That people grow smaller when e'er they grow old,
And what with the box, and the noise, and the crew,
I am heartily glad to be settled with you.
'Twas almost as bad as St. Stephen's to me,
Who am simply J. M., and no longer M.P.

ON LADY MAXWELL RECEIVING A COMPLIMENT AT A RADICAL REFORM MEETING. [BY MISS MAXWELL.]

LADY M., a Reformer, why surely is she
An ultra Reformer, the best in the nation,
Because she most fervently wishes to see
In all the Reformers complete reformation.

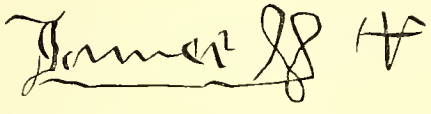
BRANCHES OF THE MAXWELL FAMILY.

I.—MAXWELL OF BLAWARTHILL,

In the Parish of Renfrew.

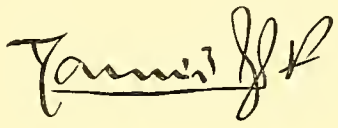
The lands of Blawarthill and Yoker are situated in the parish and county of Renfrew. As early as the years 1452 and 1457, King James II. granted the lands of Yoker and others to Walter Stewart of Arthurlie, by two charters, of which the following are abstracts :—

Jacobus Dei gracia rex Scotorum . . . Sciatis uos dedisse . . . dilecto nostro Waltero Stewart de Arthurele, terras nostras de Perthwyk Simpil, cum suis pertinenciis, videlicet, terras de Bertounluge, le Zokir, Philpisland, cum le Rywra, cum pertinenciis, iacentes in baronia de Renfrew, infra vicecomitatum eiusdem : Tenendas et habendas predictas terras cum pertinenciis dicto Waltero Stewart et heredibus suis de nobis, heredibus et successoribus nostris, in feodifirma et hereditate imperpetuum, per omnes rectas metas . . . Reddendo inde annuatim dictus Walterus Stewart et heredes sui nobis heredibus et successoribus nostris decem marcas annui redditus vsualis monete regni nostri ad duos anni termiuos vsuales, Penthecostes, videlicet, et Sancti Martini in hieme per equales portiones nomine feodifirme tantum. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus ; testibus reuerendo in Christo patre, Jacobo Episcopo Sanctiandree, Wilelmo domino Creichtoun, nostro cancellario et consanguineo predilecto, dilectis consanguineis nostris, Lawrencio domino Abirnethi in Rothimay, Andrea domino le Gray, magistro hospicii nostri, Johanne Stewart de Dernle, Andrea Stewart, milite, magistris Johanne Arrous archidiacono Glasguense, et Georgeo de Schoriswood rectore de Cultre : apud Edynburgh, decimo quinto die mensis Maii, anno Domini millesimo quadringentesimo quinquagesimo secundo et regni nostri decimo sexto.[1]



[1] Original Charter at Pollok.

Jacobus Dei gracia rex Scotorum . . . Sciatis nos dedisse . . . dilecto nostro Waltero Stewart de Arthurle, terras nostras de Perthwik Simpil, cum suis pertinenciis, videlicet, terras de Bertounluge, le Zokir, Philpislaude, cum le Rywra, cum pertinenciis, jacentes in baronia de Ranfreu infra vicecomitatum eiusdem : Tenendas et habendas predictas terras, cum pertinenciis, dicto Waltero Stewart et heredibus suis, de nobis, heredibus et successoribus nostris, in feodifirma et hereditate imperpetuum, per omnes rectas metas . . . Soluendo inde annuatim dictus Walterus Stewart et heredes sui nobis, heredibus et successoribus nostris, decem marcas vsualis monete regni nostri, ad duos anni terminos vsuales, pentechostes, videlicet, et Sancti Martiui in yeme per equales portiones, nomine feodifirme tantum : In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus : Testibus reuerendo in Cristo patre, Georgeo episcopo Brechinense, nostro cancellario et consiliario sincerime dilecto, dilectis cousanguineis nostris, Thoma domino Erskin, Andrea domino Avandale, Jacobo de Levingstoune, magno camerario nostro, Gilberto Kenedy de Dunnre, et Niniano Spot nostrorum computorum rotulatore : Apud Striueling, vicesimo septimo die mensis Maii, anno Domini millesimo quadringeutesimo quinquagesimo septimo, et regni nostri vicesimo primo.[1]



The lands of Blawarthill and Yoker continued in the family of Stewart for about two ceuturies. On 9th July 1622, Mathew Stewart was served heir-male of Robert Stewart, his immediate elder brother, in the half of the lands of Wester Parthick, namely, the lands of Bertoun-Lodge, Zokhir, Philpisland, and Kilbray [Reuray] now called Blawarthill.[2]

They were afterwards acquired by the Hutchesons of Lambhill, who were the founders of Hutcheson's Hospital in Glasgow. On 6th August 1642, Janet, Elizabeth, and Helen Hutchesous, as sisters-german aud heirs-portioners of the late Mr. Thomas Hutcheson of Lambhill, with consent of George Duncan and Mr. Ninian Hill, granted a charter in favour of Thomas Pollok, Robert Hutcheson, formerly Pollok, and George Pollok, equally, of the ten-merk land of Wester Partick, called Yoker and Blawarthill, of old called Barton-Lodge, Philpslaud, and Rwray, with the miln thereof, etc.[3]

Marion Stewart, relict of Mr. Thomas Hutcheson, acquired two-third parts of the lands of Blawarthill aud Yoker from Robert Hutcheson in 1653 ; and, in 1667, sold two-third parts of Yoker to Sir George Maxwell of Pollok, and two-third parts of Blawarthill to his immediate youuger brother, Zacharias Maxwell.[4] These lands continued in the families of Pollok and Blawarthill till the year 1732, when Mr. John Maxwell of Blawarthill succeeded to his cousiu, Lord Pollok, and the properties were again united. They were sold to Mr. Spiers of Elderslie about the year 1777, and now form part of the estate of Elderslie.

[1] Original Charter at Pollok.
[2] Retours, vol. ii. Renfrew, No. 60.
[3] Inventory of Blawarthill and Yoker writs at Pollok.
[4] *Ibid.*

I. Zacharias Maxwell, of Blawarthill, 1667-1698,

Was the second son of Mr. John Maxwell of Auldhonse, and his wife, Elizabeth Stewart. He was for some time engaged in mercantile business in Glasgow, and having prospered, purchased the lands of Blawarthill. He married Jean, only daughter of John Maxwell, fiar of Southbar, and relict of John Colquhonn, fiar of Kilmardonie. Their marriage-contract is dated 14th January 1671. Zacharias Maxwell bound himself to infeft her in an annualrent of two chalders of victual from Blawarthill, and she assigned to him her annualrent of 500 merks from Kilmardonie.[1]

Zacharias Maxwell held the same opinions on civil and religious questions as his elder brother, Sir George Maxwell of Pollok, and his nephew Lord Pollok.

We have seen how much his two worthy relatives suffered in their persons and properties from the civil authorities. The Laird of Blawarthill was in some respects more severely treated. For holding conventicles and refusing to take the test, he was fined 20,000 merks Scots by the Privy Council, and being unable to pay, was cast into prison in the Tolbooth of Edinburgh in 1684, where his nephew, the Laird of Pollok, and many of his friends were already fellow-prisoners. Whilst the others were to be set at liberty on paying their fines, Zacharias Maxwell and John Caldwell of that Ilk were excepted, and ordained to continue in prison for life, besides paying their fines. Wodrow, who was a contemporary and relative of Blawarthill, says he is not aware of the pretext for this distinction, as Blawarthill and Caldwell were both most peaceable gentlemen, and as little amenable to the laws as any of the rest. It may be, he adds, that this clause was inserted to be remitted afterwards upon their paying the whole fines, without deductions, which were made to the other parties fined.[2]

The Revolution of 1688, which sent many of their oppressors into perpetual banishment, relieved the Laird of Blawarthill and his fellow-prisoners from paying their fines, and restored them to liberty.

Zacharias Maxwell survived the Revolution ten years, and died in April 1698, in consequence of an accident which happened to him when attending the funeral of his friend Sir Thomas Stewart of Coltness, Baronet. He had gone from Glasgow to Coltness to attend the funeral; in coming down the turnpike stairs he lost his footing, fell headlong and fractured his skull. The accident happened at mid-day, and Mr. Maxwell survived till eleven o'clock the same night, speechless and insensible. He left a widow and family to mourn his loss.[3] To this family their cousin, Lord Pollok, acted the part of a father, providing the sons in their order to his own estate, and the daughters to marriages with suitable tochers.

As his relict, Jean Maxwell granted a discharge to Sir John Maxwell of Pollok, dated 21st April 1699, which was written by her eldest son, James Maxwell.[4] Zacharias Maxwell and his wife, Jean Maxwell, had two sons and five daughters. The eldest son was—

[1] Original Contract at Pollok.

[2] Wodrow's Church History, Burns' Edition, vol. iv. pp. 141, 142, 144.

[3] Coltness Collections, 4to, Maitland Club, 1842, p. 98.

[4] Original Discharge at Pollok.

II. James Maxwell, Second of Blawarthill, 1698-1703,

Who went abroad soon after his father's death, and was at Utrecht, in the United Provinces, on the 5th January 1700,[1] where he executed a factory, dated 25th April 1700, in favour of his cousin, Sir John Maxwell of Pollok, Lord Justice-Clerk, for the management of his affairs during his absence. In this factory he is designated James Maxwell, eldest lawful son and apparent heir to the deceased Mr. Zacharias Maxwell of Blawarthill. He states that he intends to prosecute his studies for some time on the Continent, and gives to Sir John and his substitutes full power to manage all his affairs, and intromit with all his goods at home during his absence.[2] From Utrecht Mr. Maxwell proceeded to Rotterdam, which he had reached by the 10th October 1700. On the 23d of the same month he had newly arrived at Geneva;[3] and, on the 26th February 1701, he wrote thence to the Lord Justice-Clerk an account of his studies of the civil law, and his exercises in dancing and fencing. He hopes that his purposed journey to Bourges would not be frustrated by the rumoured war.[4] He had returned to Paris by 27th April 1701, when he wrote to the Lord Justice-Clerk, stating that, in going thence to Roaune, and taking boat to Orleance, they saw several towns upon the "Loer,"—the most considerable of which was Hevers, where they saw King James, who looked very old and craisic; and also his Queen and the Duke of Berwick, upon their way to the waters of Bourbon.[5] He was still at Paris on the 22d July 1701,[6] but appears to have returned to Scotland soon after. He was served heir in special to his father, Zacharias Maxwell, in parts of Blawarthill, West Partick, on 5th February 1702.[7] He soon after married Anna, second daughter of the celebrated lawyer, Sir James Stewart of Goodtrees, Lord Advocate of Scotland. Their marriage-contract is dated 21st February 1702; and Sir John Maxwell of Pollok, Lord Justice-Clerk, his cousin-german, dispones to James and Anna, in conjunct fee and liferent, and the heirs-male of their marriage, whom failing, to the heirs-male of James in any other marriage; whom failing, to Sir John Maxwell's heirs-male in Pollok; whom failing, his heirs whatsoever, the two-third parts of the ten-merk lands of Yocker and Blawarthill. Sir James Stewart, on the other hand, binds himself to pay 20,000 merks of tocher with his daughter.[8] James Maxwell died in December 1703,[9] within two years after his marriage, leaving no issue.[10] Sir John Maxwell, Lord Justice-Clerk, his cousin, was served heir of provision to him in the lands contained in the contract of marriage above mentioned, on 18th April 1704.[11] Anne Stewart, widow of James Maxwell, married, secondly, in 1711, William Mure of Caldwell, by whom she had two sons, the elder of whom, Baron Mure, was great grandfather of Colonel Mure, now of Caldwell. The editor of the Caldwell family papers, the late Colonel Mure, says of this lady, that

[1] Original Bill of Exchange at Pollok.
[2] Original Factory, *ibid.*
[3] Original Letter, *ibid.*
[4] Original Letter, *ibid.*
[5] Original Letter, *ibid.*
[6] Original Letter, *ibid.*
[7] Extract Retour, *ibid.*
[8] Original Contract, *ibid.* To this contract there are thirty-five attesting witnesses, including four noblemen, the President and three Lords of Session, the Solicitor-General, twelve baronets and knights, besides bailies and burgesses of Edinburgh, and even the captain of the town-guard.
[9] Decennial Indexes to the services of heirs in Scotland, vol. i. p. 17.
[10] Crawfurd's Renfrewshire, Robertson's edit., p. 285. Caldwell Papers, Maitland Club, 1854, Part I. vol. i. pp. 28, 29; Part II. vol. i. p. 3.
[11] Original Retour at Pollok.

she united to a fund of good sense, a pristine simplicity of character and genuine Christian piety, and this is fully borne out by her testamentary letter, printed by him.

The second son of Zacharias Maxwell was John, who became Sir John Maxwell of Pollok and Blawarthill. An account of him has already been given.[1]

Zacharias Maxwell had five daughters—

(1.) Jean, who married Hugh Crawfurd of Woodside, in the parish of Paisley, second son of Thomas Crawfurd of Cartsburn. They had one son, who died young, a daughter Jean, and other daughters, who sold Woodside.[2] Mrs. Crawfurd survived her husband, and was living in 1742.

(2.) Margaret, who married Robert Stewart, son of Sir Thomas Stewart of Coltness, Baronet.[3] Mr. Stewart was then one of the Regents, and afterwards Professor of Natural Philosophy in the University of Edinburgh. Their contract is dated 13th September 1706, and by it Robert is bound to have in readiness 5000 merks for the marriage, to be added to Margaret's tocher of 4000 merks, that the whole 9000 may be laid out on proper security, to make provision for them and their children.[4] Mrs. Stewart died in 1763. She had one son, Dr. John Stewart, born in 1712, who also became a Professor in the University of Edinburgh, and died in 1758, without issue.[5]

(3.) Grizell, who married James, only son of Cland Hamilton of Barns, in the county of Dumbarton. Their marriage-contract is dated 23d April 1714, on which date they were married, as appears from the registers of the parishes of Eastwood and Old or West Kilpatrick. Her tocher was 8000 merks, payable by Lord Pollok.[6] She and her husband were infeft in the lands of Barns and Cochnoch, on 10th May 1714.[7] They had several sons and daughters. Miss Grace Hamilton, now of Barns, and her sisters, Margaret and Jane Hamilton, are descended of this marriage; also Mr. Cland Hamilton, and others.

(4.) Marion, who married David Lauder, third son of Sir John Lander of Fountainhall, Baronet, one of the Senators of the College of Justice. Their contract, in which she is named the fourth daughter, is dated 8th March 1710. His estate was 13,000 merks Scots, and her tocher 5000 merks, which were to be united as a provision for them and their children.[8] Of this marriage there was only female issue. One of the daughters, Jean Lauder, married the Rev. Dr. Patrick Cuming of Relugas, Regius Professor of Divinity and Ecclesiastical History in the University of Edinburgh.[9] They had five sons and one daughter. The fourth son, George Cuming, succeeded to Relugas, and became a Writer to the Signet. His only child was a daughter, Charles-Anne, married to Sir Thomas Dick Lander of Grange and Fountainhall, Baronet, whose son is the present Sir John Dick Lander of Grange and Fountainhall, Baronet.

(5.) Elizabeth, who married, on 1st October 1714, John Bryson, younger of Craigalzean, parish

[1] *Supra*, p. 94.

[2] Crawfurd's Renfrewshire, Semple's edition, p. 269. Original Settlement by Marion Maxwell and Sir Charles Murray spouses, dated 4th May 1717, at Pollok.

[3] Records of the parish of Eastwood, vol. i. In the notice of this marriage in the Coltness Collection, p. 98, Margaret Maxwell is called the second daughter of Zacharias Maxwell.

[4] Original Contract at Pollok.

[5] Pedigree of the Stewarts, in the Coltness Collections, where other particulars of the two Professors will be found.

[6] Original Contract at Pollok.

[7] Original Instrument, *ibid.*

[8] Original Contract, *ibid.*

[9] In the Coltness Collections, p. 67, it is stated that Dr. John Stewart, only son of Professor Robert Stewart and Margaret Maxwell, left all in the power of his mother, who left all to her own niece, Mrs. Cuming, "and so the Rev. Dr. Patrick" (Cuming) "is possessed of £1500. So plot the gospellers for wealth."

of Strathblane, Stirlingshire, merchant in Glasgow. Their contract is dated the same day, and by it he was bound to have in readiness 24,000 merks, to be added to her tocher of 5000 merks Scots, as a provision for them and their children.[1] Isabella Bryson, the eldest daughter of this marriage, married Robert Dreghorn, merchant, Glasgow, before 1st October 1746, which is the date of their post-nuptial marriage-contract.[2] They had issue, one son, Robert Dreghorn of Rough-hill, who died unmarried; and a daughter, Margaret Dreghorn, who married James Dennistoun of Colgrain. They had four daughters :—(1.) Isabella, wife of Gabriel Hamilton Dundas ; (2.) Jessie, wife of Hugh Maclean of Coll ; (3 and 4.) Mary and Elizabeth, twins : the former married Sir William Baillie of Polkemmet, Baronet ; the latter married Sir Duncan Campbell of Barcaldine, Baronet. Another daughter, Jean, married David Leitch, merchant, Glasgow, and their marriage-contract is dated 21st May 1746.[3] Her issue is believed to be extinct. Another daughter, Marion Bryson, married her cousin, John Hamilton of Barns. They had three children :—(1.) James Hamilton of Barns, who was father of Miss Grace Hamilton, now of Barns ; (2.) Claud Hamilton, who was father of the present Claud Hamilton ; (3.) Grizel Hamilton, wife of John Hamilton Dundas of Duddingstone. Their son, Gabriel Hamilton Dundas of Duddingstone, married Isabella Dennistoun, and they had three sons, John, Gabriel, and George, and several daughters.

Much inquiry has from time to time been made as to the seniority of these five daughters. The late Mr. John Riddell investigated the subject in 1851 ; but he left it in an unsatisfactory state. He confessed his inability to fix the seniority of "the *four* daughters, and I am not aware of any more."

There were undoubtedly five daughters—the eldest, Jean, was entirely overlooked by Mr. Riddell. Marion is the only one whose position in her family is set forth in her contract of marriage. She is there called the fourth daughter, and Mr. Riddell calls her the youngest. But in this he is clearly wrong, as there were five.

The ranking of the daughters, in the order above enumerated, rests chiefly on a decreet obtained by Lord Pollok as a creditor, for the funeral expenses, etc., of their elder brother, James Maxwell of Blawarthill, who died in 1704. The decreet is dated on the 8th of August of that year, and it is given by the Commissaries of Glasgow against John, Jean, Margaret, Grizel, Marion, and Elizabeth Maxwells, lawful children of the deceased Zacharias Maxwell of Blawarthill, and brother and sisters-german of the late James Maxwell of Blawarthill, and Hew Crawford of Woodside, husband of the said Jean Maxwell, for his interest.[4]

[1] Records of the parish of Eastwood, vol. i., and original Contract at Pollok.
[2] Original Contract, *ibid.*
[3] Original Contract at Pollok.
[4] Original Decreet, *ibid.*

The four younger brothers of Zacharias Maxwell of Blawarthill were,—

1. John, who was a doctor of medicine. The earliest notice of him is as a medical practitioner in France, between the years 1650 and 1660. He was medical adviser to the Count of Belsunce, and carried on a flourishing private practice at Bearn; but when returning with the fruits of his labours to settle either in England or Ireland, he was robbed before getting out of France.[1] On 20th February 1662 he was in London, and contemplated going in a professional capacity with some gentlemen to France or Italy. In the month of June following, he went to Jamaica with the Governor, Lord Windsor. His salary in the Indies was to be £100 per annum, besides a plantation of 142 acres of good ground, and other privileges. He wrote from London, 5th May 1662, announcing this to Sir George, and expressing a hope that he would soon be able to refund the money he had lent to him.[2] He arrived at his destination in safety, and prospered; but it was some years before his friends in this country knew of his success. On the 26th October 1669, he wrote from Port-Royal, Jamaica, to his brother Sir George, stating that since his arrival in Jamaica he had written to him again and again, but had never heard from him in reply. In the same letter he speaks in feeling terms of the many benefits which had formerly been conferred on him by his brother Sir George, states that he was now himself in prosperous circumstances, and gives many interesting details concerning his own plantation, and the condition of the island in general. Their cocco walks, he states, bore two crops a year, one in May, and another in December, and so large was the recompense for outlay, that he knew of many cases where an expenditure of £400 or £500 sterling, in six years rendered the estates worth as much as that per annum. He says if his brother Zachary be not married, he might there improve his stock to great advantage. The great difficulty they had to contend with was scarcity of servants.[3]

2. Walter, who is mentioned by Sir George as his brother in his diary, under date 10th December 1649; but no other notice has been found of him.[4]

3. Thomas, who got a provision of 500 merks Scots from Marion Stewart, relict of Mr. Thomas Hutcheson of Lambhill, on 1st June 1660.[5] Thomas Maxwell was at Straban, Ireland, on 1st March 1679. In a letter of that date, Thomas mentions his son.[6]

4. William, mentioned in the above letter from his brother Thomas at Straban, dated 1st March 1679.

The three sisters of Zacharias Maxwell of Blawarthill were,—

1. Jean, who married Thomas, second son of Cornelius Crawfurd of Jordanhill. Their contract of marriage is dated 27th September 1653; and, in accordance with its terms, Cornelius paid to his son Thomas 10,000 merks, to be expended on heritable securities in behalf of him and his sponse and their heirs, and Sir George Maxwell paid for tocher with his sister 4000 merks Scots.[7]

2. Grizel married first Robert Hutcheson of Anchingray. In the year 1654, Robert Hutcheson purchased the estate of Auldhouse from Sir George Maxwell of Pollok for 19,000 merks. Mr. Hutcheson had been very anxious to make this purchase, as it appears that he did often press and entreat Sir George to sell to him the lands of Auldhouse, saying his heart and his eye were in it,

[1] Vol. ii. p. 308.
[2] Original Letter at Pollok.
[3] Original Letter, *ibid.*
[4] Vol. i. p. 350.
[5] Original Bond at Pollok.
[6] Original Letter at Pollok.
[7] Original Contract, *ibid.*

and God's curse be on them that shall get it, if he do not get it, and it will even keep my life ten year longer in.[1] His wife, however, survived him, and had a liferent right in Auldhouse. Of that marriage there were two sons and one daughter, viz. :—

(1.) John Hutcheson of Auchiugray and Auldhouse, mentioned in the letter to his brother George just quoted. As proprietor of Auldhouse, he, on 21st November 1668, granted a bond to his uncle Sir George Maxwell, binding himself and his brother George Hutcheson, failing heirs of their own bodies, to dispone these lands to Sir George for 17,000 merks, to prevent them descending to heirs-portioners. This bond narrates that these lands were disponed to his late father by Sir George Maxwell to be held feu of him ; and that considering the kindness shown by Sir George to himself, and his brother and sisters in their minority, and to their mother in her widowhood, and considering also that, in case of the decease of him and his brother George Hutcheson without children, the lands would fall by equal halves to his sisters and no more remain an entire estate, in which case the price thereof would be more useful for his sisters, and seeing that Sir George was willing to purchase the same from him, that, therefore, he, for these and other causes, in the case only of the decease of both himself and his brother George without children, bound himself to dispone to him the said lands, that the property thereof might be consolidated with the superiority.[2] No later notice has been found of John Hutcheson.

(2.) George Hutcheson, who went to France in 1675 to trade, but was not successful, and application was made to his uncle, Sir George Maxwell, by the owner of the vessel in which he sailed, for the freight of his goods, etc. But this was refused.[3] In November 1678, George was again in distress, and wrote to his cousin, Mr. Maxwell of Pollok, imploring his aid ; and on the 16th December following, his mother and Mr. Maxwell sent him £10. Mr. Maxwell's letter to his fallen cousin is full of Christian kindness. He alludes to what they had heard of his guilt, but he leaves it to his own conscience, and calls upon him now to forsake his sins, and take to whatever honest employment he can obtain. He adds, that "Sandie Jamieson," his step-brother, had been sent to France, because he would not be a scholar, and that he was behaving so ill that his friends were ashamed of him ; that his own brother John had gone to Ireland a bankrupt, and that his mother was so distressed, that she was constantly in tears, and cried out, on hearing his last letter read, "Would to God I had never had a male child."[4]

(3.) Elizabeth Hutcheson married John Peadie, merchant, Glasgow. Their contract of marriage is dated 27th September 1678, and Grizel Maxwell, her mother, is a consenter. The tocher of Elizabeth was 2000 merks Scots, owing by her brother John.[5]

Grizel Maxwell married, secondly, the Rev. Alexander Jamesone, minister of Govan. Their contract is dated at Auldhouse, 8th February 1661,[6] and Mr. Jamesone thereby binds himself to invest the sum of one thousand merks Scots in name of himself and his wife, for behoof of their children. The tocher of Grizel was her liferent of the lands of Auldhouse, as relict of her first husband, who was proprietor of Auldhouse, and also of a house on the south side of the Trongate of Glasgow. She farther gives as tocher the furniture in the mansion of Auldhouse. She reserves power to bequeath 500 merks Scots to the children of her first marriage, for the love and favour which she bears to them. On the 7th December 1670, her brother, Sir George Maxwell,

[1] Original Interrogatories at Pollok.
[2] Original Bond, *ibid.*
[3] Original Letter, *ibid.*
[4] Vol. ii. p. 330.
[5] Original Contract at Pollok.
[6] Original Contract, *ibid.*

became bound to pay to his sister Grizel and Mr. Jamesone the sum of 1000 merks, bequeathed to her by the late Marion Stewart, relict of Mr. Thomas Hutcheson of Lambhill.[1]

Mr. Jamesone, with many of his brethren, was ejected from his living by Act of Privy Council held at Glasgow, 1st October 1662.[2] On the 25th March 1673, Sir George Maxwell wrote to the Earl of Kincardine, a Lord of Treasury, on his behalf. Sir George informs the Earl that Mr. Jamesone had been excused for non-compearance on the Council day to which he was cited, "in order to his confinement," and pleads that as the case was common with others who had obtained his Lordship's favour, he hopes Mr. Jamesone may have the same advantage.[3] Mr. Jamesone was both a very able and a very good man. Before he became minister of Govan, he had been ten years Professor of Philosophy in the University of St. Andrews; and he had a patent appointing him to be Professor of Divinity there, but declined to accept the appointment, though all who knew him were well aware of his high qualifications for the office. He dispensed the Sacrament of the Lord's Supper in Hagg's castle in the year 1675,[4] and dying there on the 15th April of the same year, was buried at Govan on Monday the 17th of that month.[5] Grizel Maxwell survived him, and died before Candlemas 1689. By her second marriage she had a son and two daughters:—

(1.) Alexander Jamesone, who is noticed in the letter of John Maxwell of Pollok above mentioned.

(2.) Annabel Jamesone, married to William Cuninghame of Carnecuran. Their marriage-contract is dated 17th and 22d September 1686. Her tocher was 3000 merks Scots.[6]

(3.) Jean Jamesone, married to James Baird, Doctor of Medicine. They had three sons and one daughter. James, who became a doctor, Patrick, John, and Marian Baird, who were all living on 6th July 1713.[7] Annabel and Jean Jamesones, with consent of their husbands, granted an obligation (date not stated) to Sir John Maxwell of Pollok, for 2000 merks due to their brother Alexander, which narrates that for ten years past there has been no word heard of him, and that it is generally believed that he died in the West Indies some time since, and that the said sum belongs to his two sisters as nearest of kin to him.[8] They were confirmed in that character by the Commissaries of Edinburgh, on 17th August 1706.[9]

3. Elizabeth, who was boarded with her sister Mrs. Jamesone on 4th June 1688, when a discharge was granted by the latter to Sir John Maxwell for the "intertainment" of her sister Bessie Maxwell preceding "beltain" then last.[10] On 21st April 1699, Jean Maxwell, relict of Zacharias Maxwell, granted a receipt to Sir John Maxwell of Pollok for the aliment and entertainment of Elizabeth, as sister to the said Zacharias.[11]

[1] Original Bond at Pollok.

[2] Wodrow's Church History, vol. i. p. 328.

[3] Original Letter at Pollok. In this letter Sir George apologises to the Earl for troubling him on this and other matters, adding—"seeing as the phisicians servant said in order to the cure of the sick asse, they could but prove like conserve of roses, if they did no good, they could doe no hurt."

[4] Wodrow's Church History, vol. ii. p. 318.

[5] Vol. i. No. 182.

[6] Original Contract at Pollok.

[7] Account Book of Lord Pollok at Pollok.

[8] Scroll Obligation at Pollok.

[9] Confirmation at Pollok.

[10] Original Discharge at Pollok.

[11] Original Receipt at Pollok.

II.—MAXWELL OF SPRINGKELL,

In the Parish of Kirkpatrick-Fleming, and County of Dumfries.

The barony of Springkell, which has for upwards of two centuries given a territorial designation to a cadet of the family of Pollok, consists of Springkell and Kirkconnel, in the parish of Kirkpatrick-Fleming, and Logan, Naton, etc., in the parishes of Half-Morton and Graitney, all in the Stewartry of Annandale, and shire of Dumfries.[1]

In the early part of the sixteenth century, the estate of Springkell belonged to Robert fifth Lord Maxwell, and the estates of Kirkconnel, Logan, etc., were acquired by his grandson, John sixth Lord Maxwell, from the family of Carlyle, Lord Carlyle.

Robert ninth Lord Maxwell, afterwards Earl of Nithsdale, by disposition dated 29th December 1618, disponed the lands of Kirkconnel, Logan, etc., to his brother-german, James Maxwell, Master of Maxwell, and his heirs-male, whom failing, to return to Lord Maxwell. The Master was thereafter designated of Kirkconnel.[2]

The disposition narrates, that Lord Maxwell, for the singular favour, love, and affection which he had to James Master of Maxwell, his only brother-german, and in assurance of ane dutiful behaviour, favor, love, and discharge of a loving respect and dutie to be carried by him and his successors to his Lordship, his house and posterity, Lords of Maxwell, whereof he is descended, and having a brotherly care to provide him to the beginning of some provision and living, whereby he may be helpit in maintenance of his estate, etc.

Ten years afterwards, on the 24th August 1628, the same Lord Maxwell, by that time created Earl of Nithsdale, conveyed to his brother James the lands of Springkell, and others.[3] James Maxwell was thereafter designated of Springkell, but becoming involved in pecuniary difficulties, his estates were apprised from him, and the apprisings were acquired by Mr. William Maxwell, Advocate, who also obtained a disposition of the lands from James Maxwell, dated 13th December 1648. Mr. William Maxwell was thereafter designated of Springkell.

I. Mr. William Maxwell, Advocate, First of Springkell, 1648-1695,

Was the eldest son of Mr. George Maxwell, minister of Mearns, and Laird of Auldhouse, by his second wife, Jean Mure of Glanderston, as already explained in the account of the Auldhouse family.

Mr. William Maxwell having studied law under the celebrated lawyer, Sir Thomas Hope, Lord Advocate, whom he styles his Master, became an advocate at the Scotch bar on 26th November 1633, as appears from the Acts of Sederunt of the Court of Session of that date.

[1] Kirkpatrick-Fleming appears to be a very healthy parish. Among other instances of longevity, the minister mentions, in the old Statistical Account, the case of a man who was born in 1635, and died in 1759, being thus more than 124 years.

[2] Original Disposition at Springkell.

[3] *Ibid.*

Many of his letters which are preserved at Pollok, show that he attended to the law affairs of the Nithsdale and Pollok families, and constantly corresponded with his immediate chief Sir John Maxwell of Pollok, upon passing events in the Parliament, Privy Council, and Courts of Law. In one he gives a very full account of the proceedings consequent on the visit of King Charles I. to Edinburgh in 1633. Several of them are printed in the second volume of this work, and a few which have been recovered since these were printed, and which possess considerable interest, are here added.

Edinburgh, 22d June 1633.

Honorable cheiff,—As occasioun offeris, love and dewtie moves me ever to remember zour kyndlie requeist and command in acquenting of zow with quhat doeth occure with ws. And heir, tuiching the forran ambassadour from Polland, the commissioun seimes to resolve vpone theis heidis: 1. A treatie for assisting the peace betuix Suaden and the Emperonr. 2. A desyr to his Maiestie to geive way to Polland without assistance to Suaiden. To clame bak the landis conqueist be the last King of Swaiden from Polland. 3. A mutuall mariag, that the Polle should marie with the Palatine's sister, and the Palatine with his. This seimes to be a draucht of the Romische emissaries to dissever the peace betuix Suaiden and ws, and to hinder the accomplischement of furder affinitie betuix Suaiden and ws.

Ther is grantit a taxatioun of sex^{c}. thewsand pundis to his Maiestie to be payit in sex zeir.

Ther is overtour maid be the westland men that his Maiestie wold be pleasit to tax the wairdis, aither be entres or angmentatioun of the few dewtie.

The clergie vrges that the former act may be ratifiet, beiring everie minister to haive at leist aucht chalder of victuall, and it is surmeissit that his Maiestie will have it accomplischeit.

His Maiestie, with consent of the estaitis, hes ratiefeit the revocatioun; bot as for the commissioun surrander, and actis maid thairvpon, his Maiestie hes supersideit the same.

All the clergie gave in thair overtouris quhat they crave tuiching the weill of the church, quhairanent his Maiestie remainit this day thrie houris in the parliament hous, bot quhat wes concludit I can not wryt fullie till the nixt occasioun.

The commissionn anent the revcising of the lawis is desertit, as I writ of before, and onlie this ordour is vseit that everie man who listeth that is vpone parliament geivethe in grivences to the lordis of the artickles, and among the rest, our west countrey men stryves (if they can be heard) to have the extent of the taxatioun impoisit vpone thame conforme to thair halding parallailed with the rest of the kingdome, that thair may be a equalitie: bot their is feired mnch oppositioun.

Zoure honouris ladie wes this efternoun desyred by my old ladie Maxwell and vrgeit vehementlie to stay till Twesday nixt, betuixt and quhilk tyme schee micht meit with the Countes of Nithisdail hir guiddochter; and with great difficultie my father, at hir requeist, moveit zonr honouris ladie to stay, at leist till schee had seine the Countes, quhilk wes not done amis, because our cheifis ladie knew that schee wes in towne and did exspect hir befoir hir depairture. And farder, in reguaird it wes necessar that zour honouris excuise sould be maid by such a one whoes testimonie could not be called in questioun.

I did lykwayes joyne my requeist to hir to stay quhill that meiting, which I heastned so soone as could be, swa that I think at farthest (if not sooner) zoure honouris ladie is to be at home befoir

Tewsday nixt at nicht. Swa leiveing farder, bot remembring my humbill love and dewtie, I heartilie rest, zour honouris maist affectionat to serve zow,

Mr. Williame Maxuell.

I haive dyttit this letter to my serveand, and because hest urges me, your honour will hold me excuisit, for he hes not writtin in suche a kynd as meritis your honouris reiding, albeit vtherwayes the contentis heirof may be tolerat. Mr. Williame Maxuell.

To my worthie and honorable cheiffe, the Laird of Netherpollok. These with diligence.

Edinburgh, 10th July 1633.

Richt honorabill cheif,—According to my promeise and dewtie I sall not omitt at everie convenient occasioun to remember zour honor with occurrence as we have heir.

This day his Maiestie cam from Falkland to Halyrudhous be the ferrie at Brunteland, quhair in his awine schip, accompanyit with a great number of bottis, the sea being sum quhat ruche, his Maiestie happilie cam to Leith abuit twa in the efter none. Bot his silver vessell, with sum of his servandis preponit to the cair thairof, cuming efter in a prettie popine bott, being moir nor midd firth, be a sudden and vnexpectit flume of wind wer driven wnder and perrischit; nether they nor the boittmen, nor any vtheris being saife that wer thairin, except tua whiche wer preservet be a wauchter.

Efter his Maiesties entrie within the harberie, the ordinances of his awine schip and of the wauchter, and vtheris being vpone the redd of Leith, wer dischairgit, and at his entrie at Halyrudhous, thes of the castell wer lettine aff.

It is surmeisit that the Erle of Airth is to be foirfatt and adictit to perpetuall prisone. He standis to his defence, and denyall both of the wordis and of the equivalency thairof, and alleadges nothing provine. Bot the contrare is credibily repoirtit.

His Maiestie to morrow is to heir a dispitt in the matter of the tittyll of the Lord Oliphant, betuixt Sir James Dowglas and the Lord Oliphantis brother sone. Mr. Lues is for him, and Mr. Thomas Nicolsone for Sir James and his Ladie, quhoe is air of lyne, and my Lord Advocat for the King. They have takin great paines to prepair thamselfis, swa that we think it sall be a creditable dispitt.

My Lord Nithisdaill, if occasioun can suffer, myndis to sie zour honour befoir he goe to Ireland. He does expect assuiredlie money of that bussines which is thocht will trewlie affuird the samyne if it be cannilie compast.

The Marqueis of Hammiltoun is appointit collector of the taxation of twa merk, and the vther ordinar taxatioun alsoe; and we heir that the Erle Mortoun myndis to sell Dalkeith to his Maiestie for a great sowme, and thairefter to get disponit bak to him heretablie the keiping thairof, with 1m. lib. Scottis of fee as Constable.

These ar all for the present wee heir. Quhen the nixt occasioun shall offer, I shall not be neglective to embrace the same. Sua being rememberit to your honour, I humblie rest zour awin to serve your honour,

Mr. Williame Maxuell.

To my honorable and worthie cheiffe, Sir John Maxuell of Netherpollok.

Edinburgh, 17th November 1635.

Richt honorable Cheiffe,—Haveiug occasioun to wryt to your honour, I wes vrged according to my dewty not to neglect the same. I purposet to haive sent some tobacco to your honour, bot the suddeutie of the beirers awaygoeing, and my awin effaires, did not permitt me to doe what I resolved. Alwayes I shall nor foirgett the nixt opportuuitie of a beirer.

Tuicheing materis heir, lytill or nothing is done, for the fear of the pestilence hinderis men to come in to handle their bussiuessis. Their hes not as yeit bein any meeiting of the commissioun anent teythes, nether yeit of the exchecker: For my Lord Traquaire is not yeit come home, nor no word from him; and the priucipall thesaurer is also absent.

The pleag scissed once at Cramound, bot is now broken vp againe, throw the vnhappines of the pyper of Cramouud, called Fleggum, who hes smittit his tuo brether, and they ar deid; and iykewayes went throw the countrie be the space of fourtein dayes, so that it is feirit he hethe done moir evill. Bot (praised be God) their is no iufectioun as yeit in Edeuburrow or Leithe.

Wee heir that Colonell Hepburne hes fochin in Loren withe 6$^{m.}$ men againest 20$^{m.}$, and hes played his pairt withe credit; for, by reteiring and fechting, he hes wrocht moir hurt to the enemy then he could haive done by oppin bettal. Their is a surmeis of the Duike of Loranes death, bot no certaintie.

Concerniug this fyre of Frendrat, and vtheris reportis, their is uothing spoken off, for the Prewie Couusel hes not yeit fullie conveinet auent any mater of importance.

As for what my Lord Nithisdaill hethe accomplished in effect at Court, I think by his last lettre he hes acquant your honour; so that I neid not to mentioun the same of new againe. Wee heir all he ressaives is 10$^{m.}$ lib. sterliug, bot he hes not dimittit the Fleymingis laudis, nor that quhilk belouges to his sone. I wishe only one thing (quhairoff, praised be God, your honour is suire aneuche), that your honour had your money, and that my Lord wer sensible of your favour in superseding it so long, nochttheles of his vnkyndnes. Nocht farder, bot with my heartie affectioun and humble serveice, I ever rest, and shall remayue your honouris awin to serve you,

Mr. Williame Maxuell.

We heir that the King and the Hollenderis ar agrect, and they ar to geive, be way of compositiouu, tua hundrethe thowsand pund sterling, and ane hundrethe thousand pund sterling yeirlie heirefter. Our newes ar scairs: For Traquaire is not yeit come home.

To my honorable cheiffe and weel-respected Sir Johne Maxuell of Netherpollok, Knycht.

Edinburgh, 24 November 1637.

Worthie and loveing Couseing,—My love rememberit, please youre honor shall have me excuiset that I did not in tyme bygaue, since my last seing of youre honoure, wryt concerning occurrences, and of that whiche I did promeise anent our chieffe, his comeing to youre honoris house at this tyme.

All whiche wes concludit betwixt him and Calderwoode wes, that prorogatioune should be grantit conforme to the first contract for reclcaming of the Mearns at the nixt Mertimess.

Nothing heard from the elergy as yet, saiffe oure eouseing Mr. John Maxwelle, as you would heir, is made Bishop of the Yles, and the Bishop of the Yles Bishope of Raphoe. The Erle of Nithesdail, our cheiff, his gift goethe weil one in Ireland, and has a guid successe, etc.

Mr. Patrick, my brother, hes his to be rememberit to yonr honor, and hes him excusit that he hes not written, being impeisehit be multitude of bussiness whiehe did reqnyre heast.—Your honoris awin to serve you,

Mr. Williame Maxwell.[1]

To my worthie and muche respeeted Conseing, Sir John Maxwell of Nether Pollok, Knight.

Previous to acqniring the lands of Springkell, Mr. William Maxwell, as has been shown in the accounnt of the Auldhouse family, obtained the estate of Anldhouse in 1639, by an arrangement with his eldest brother, Mr. John Maxwell; and Mr. William Maxwell was for some time after that aequisition designated of Auldhouse. He obtained a crown charter of the lands under the Great Seal, dated 18th March 1642,[2] proceeding on the resignation of his brother Mr. John Maxwell, minister at the Cathedral Church of Glasgow, and Bessie Stewart, his spouse, and of Mr. George Maxwell, minister at Mearns, father of Mr. William Maxwell. On his acquiring Spriugkell he sold Auldhouse to his nephew, Sir George Maxwell of Pollok.

Like his relatives at Pollok, Mr. William Maxwell tasted of the troubles of the times, and though not so severely dealt with as Sir George Maxwell or Lord Pollok, was subjeeted to annoyanee, on aeeount of some alleged eeclesiastical delinquencies. On 12th December 1661, he presented a petition to the Privy Counеil, showing that Mr. Thomas Allan, minister at Wauehop, as he was informed, intended to raise letters before the Counеil against him and his sou, and several of his tenants and servants, to bring them to Edinbnrgh, and put them to the trouble and expense of a long and wearisome journey in winter, merely through maliee, and craving either that no such letters be granted, or that his own appearanee shonld be deemed sufficient for himself and all the rest for whom he would be answerable. The Council ordained that the letters be granted, but that Mr. William's compearance should be snffieient for all.[3] On the 4th March 1662, he again petitioned the Council with regard to the oppressive way in which the dues of the Commissioners of Parliament were levied on him. To payment of these he was not liable, as he held his lands of Kirkeonnel, and others of the Earl of Nithsdale, by a progress of 200 years or more, and not of the Crown, and for this, and other reasons, had obtained a suspension of them by deliveranee of the Lords of Session. Notwithstanding this suspension, Thomas Ferguson, collector, had quartered soldiers upon him to euforce payment, and he now prayed the Conncil to order their removal. The Council aeceded to the prayer of the petition, and ordered the removal of the soldiers.[4] No attentiou appears to have beeu paid to this order, and on 2d April 1662, the Conneil had again under their eonsideration letters raised at the instanee of Mr. William Maxwell of Springkell, Advoeate, and Patriek Maxwell, his son, setting forth that, notwithstanding the non-liability of their lands for Commissioners' dues,

[1] The original of this letter has not been found. It was lent to Mr. Riddell in 1820, and remained with him. He sent the abstract of it, now printed, to the present Sir John Maxwell, in a letter dated 4th October 1820.—[Original letter of Mr. Riddell at Pollok.]

[2] Original Charter at Pollok.

[3] Register of Secret Council. Decreta, July 1661, May 1666, fol. 102.

[4] Register of Secret Council. Decreta, July 1661, May 1666, fol. 167.

and the suspension above mentioned, Thomas Fergnson, now Kennedy, son to Ardmillan, and others, soldiers, on 22d January last, did, contrary to all law and reason, quarter upon the complainers and their tenants, and in a violent manner took away a mare belonging to them, broke open the stable and seized upon Mr. Patrick Maxwell's horse at Dumfries, and forcibly detained himself and compelled him to pay them money; and that not resting there, they anew put soldiers upon the said complainers and their tenants, threatening to drive off the whole goods upon the ground, and to bring in a troop of horse on them if they offered resistance.[1]

Mr. William Maxwell married Jane Stewart, daughter of Mr. Patrick Stewart of Rosland, who was for some time minister at Kingarth, and afterwards at Rothesay, in the shire of Bute. Their contract of marriage is dated 20th May 1637, and by it Mr. William Maxwell was bound to provide the conquest during the marriage to himself, and the heirs of the marriage; and in implement of the contract, he, under the special reservation of his own liferent, on 23d July 1683, disponed to Sir Patrick, his eldest son in life of the said marriage, and the heirs-male of his body, whom failing, to any such person or persons, male or female, as the said Mr. William and Sir Patrick should nominate, the lands of Kirkconnel, Logan, Naton, and Springkell. On the 19th of April 1693, Mr. William Maxwell and Sir Patrick Maxwell, his son, granted another disposition narrating that they were resolved to exercise the reserved power of nominating the person to succeed to them, failing heirs-male of Sir Patrick, and that therefore failing such heirs, they now not only nominate Sir Patrick's nearest and lawful heirs whomsoever, secluding always Robert Maxwell, second lawful son then alive of Mr. William, and brother-german of Sir Patrick, and his heirs, from succeeding, "and that for reasons known to ourselves," but also in corroboration of the former disposition, dispone anew to Sir Patrick and his nearest and lawful heirs and assignees whomsoever, secluding the said Robert the barony of Springkell.[2] Mr. William Maxwell died about the year 1695, at a great age. By his wife, Jane Stewart, who predeceased him before 1683, he had three sons and three daughters :—

1. Sir Patrick of Springkell.
2. George, "second lawful son," to whom his father assigned two bonds on 10th February 1672.[3] George Maxwell, second son to Mr. William Maxwell, granted on 18th August 1677, a bond for 250 merks to James Scott, servitor to the Duke of Buccleuch. And again, on the 23d of the same month, he, along with his father William, and his brother Patrick, granted a bond for 900 merks to the said James Scott.[4] George Maxwell also entered into a contract on the 1st March 1678 with John Thomson, son of Robert Thomson, burgess of Edinburgh, in reference to the effects of the deceased Mr. John Thomson, to whom they were appointed executors.[5] It was agreed that John Thomson should give up all his right and claims, except the half of £1000 Scots, to George Maxwell for seventy-two rix-dollars; and in implement of the contract, George Maxwell obtained a disposition on 6th August 1680.[6] This is the latest notice which has been found of George Maxwell, who died before 19th April 1693, when his brother Robert is called second son then alive.
3. Robert. On the 27th March 1704, he was appointed factor for the management of the

[1] Register of Secret Council. Decreta, July 1661, May 1666, fol. 184.
[2] Extract Disposition at Springkell.
[3] Original Assignation, *ibid.*
[4] Original Bonds at Springkell.
[5] Original Contract, *ibid.*
[6] Original Disposition, *ibid.*

affairs of Elizabeth Taylor, daughter of James Taylor in Craigshaws, who was factor to his brother Sir Patriek Maxwell.[1] Robert Maxwell acted nnder this factory as late as the year 1721. Following out the seelusion of Robert and his heirs in the disposition of 1693, Sir Patrick, on the 20th April 1705, passed an act of seelnsion against Robert from sueceeding to any part of his estates, heritable or moveable. No notice has been found of Robert after the year 1721.

4. Agnes, married to Dr. John Colquhonn, who, on the 24th January 1657, granted to her father, Mr. William Maxwell, a discharge for 2000 merks, being part of 6000 merks of toeher due nnder her marriage contract.[2]
5. —— Maxwell, married to —— Scott of "Gibberston." Their eldest son, John Scott, yonnger of "Gibberston," received from his brother-in-law, Sir Patrick Maxwell, on 7th August 1699, after his father's death, an assignation to an apprising of the lands of Kilehattan and others, whieh were apprised from Ninian Stewart on 8th December 1653.[3]
6. Mary, married to John Maxwell of Broomholm. Their contraet of marriage is dated 3d November 1680, and, on 10th October following, her father, Mr. William Maxwell, transferred to her husband, John Maxwell, as much of the snms eontained in an adjudication against the Earl of Nithsdale, as would pay £3000 of her tocher.[4] Pennant, in his Tour in Scotland in 1772, thanks Mr. Maxwell of Broomholm for favouring him with several remarks relating to Eskdale.[5]

II.—Sir Patrick Maxwell, first Baronet of Springkell, 1683-1723,

As eldest son of Mr. William Maxwell, succeeded his father in the barony of Springkell about the year 1695.[6] Previously to his succession he had taken a considerable share in the management of the family affairs, and in public business. The first notice of him is on the 15th February 1651, when Mr. Patrick Stewart, his maternal grandfather, transferred to him his half of Robert Campbell's apprising of the estate of Lamount, and styled him his "oye, Patrick Maxwell of Springkell."[7] During the reign of King Charles II., he had rendered such service to his sovereign as to be ereated a Baronet of Nova Scotia, in his father's lifetime.

Before the year 1680, Patriek Maxwell was appointed one of the Commissioners for the Borders; and in this capacity took a prominent part in the suppression of violent crimes, then so rife in those districts.

Mr. Patrick Maxwell also took an interest in his eousins of Pollok, writing to the Laird of Pollok, offering him good advice at a time when he was distnrbed by the Highlanders and suffering for his opinions, the following letter:—

Cussing,—I am infinitly trubled till I understand in what conditione yow ar in, with thes croud of Hilanders, whos rude tempers most eertanly infest that cuntrie. The distanee I am at, and the exigence of tyme and affairs, renders me uterlie incapable to affoord yow eounsell; only, cussing, I hope yow will nott suffer the displeasour of tymes to make advantage of your rueing, by quhich we shall all suffer; bot

[1] Original Appointment at Springkell.
[2] Original Discharge, *ibid.*
[3] Springkell Inventory Book. "Gibberston" is probably a mistake for Gibbleston in Fifeshire.
[4] Original Translation at Springkell.
[5] Pennant's Tour, vol. ii. p. 4.
[6] Sir Patrick expede a special service, as heir to his father, on 28th May 1711.—[Springkell Inventory.]
[7] Original Translation at Springkell.

rather see to the neeessitie of parting with disputable indifferents, then loss your selfe and famely. I hope, sir, this little adviee, tymly taken, will prove mor prudent and temperate measours for yow then thos may be extendit from the dear eonsequences of immenent danger. Thus, eussing, my love as neall as my dutie from the integritie of my heart is offred by—Your most reall eussing to serve yow,

PAT. MAXUELL.

My respects to my Ladie, your mother, your Ladie and sisters. For my affairs, I can not get yow yet seen, bot shall, God willing, as soon as can be.

KIRCONELL, 4th February 1678.

For the Leard of Nether Polock, neir Glagow.[1]

Mr. Patrick Maxwell was knighted before the 4th of March 1680, as on that date, the Lords of Privy Couucil had nnder their consideration a petition presented by the Commissioners for the Borders, showing that Sir Patrick Maxwell of Springkell, one of their nnmber, in pursuance of an act of the Commissioners, had obtained a letter from the Council to the Lord Lientenant of Ireland for giving concnrrence in the apprehending of such thieves, fugitives, and robbers as fled to Ireland from justice; that he had apprehended two of the fugitives, and kept them prisoners in Ireland above eight months at his own expense, and that he had them at "Donnochadie" ready to be transported to Scotland, which would put him to considerable expense; and supplicating the Council to recommend to the Lords Commissioners of his Majesty's Treasury to give to Sir Patrick a competent allowance for his diligence and expenses, and for bringing over the said prisoners to justice. On this petition the Lords of Conucil granted warrant to the Commissioners for the Borders to pay Sir Patrick the sum of £50 sterling out of the fines imposed by them which were not already disposed of, for reimbursement of his expenses in seenring the said two fugitives and bringing them over and presenting them to justice.[2]

One of the captures made in Ireland by Sir Patrick Maxwell, was that of Lndovick Irving of Wisebie, who was one of his neighbour lairds in the parish of Kirkpatrick-Fleming, and who is called "a notorious thief and robber." Irving fled to Ireland on hearing that Sir Patrick had orders for his apprehension; and Sir Patrick, on receiving a letter from the Privy Council to the Duke of Ormond, Lord-Lieutenant of Ireland, sent over to Ireland a trusty person well known in the country, who soon succeeded in capturing him. Irving, however, attempted to escape; and Sir Patrick's brother, who had charge of Irving, was obliged to have him escorted to Donaghadee by a squad of the Earl of Mount Alexander's soldiers, and afterwards conveyed to Scotland in a boat specially hired for the pnrpose, and lodged him in a sure vanlt in Dumfries jail. All this occupied Sir Patrick for above a year, and cost him at least £200 sterling. For some reason, however, not explained, Irving's seenre cell was exchanged for an insufficient onter room, whence he made his escape. Sir Patrick Maxwell, with consent of Sir George Mackenzie, Lord Advocate, pursued the Magistrates of Dumfries and their jailers before the Privy Conncil for reimbursement of the above ontlay to Sir Patrick, and to have them pnnished for malversation of office. The Conncil, however, on Ist May 1683, did not think fit then to determine in the matter, bnt recommended the case to be laid before the King by Sir Patrick and the Lord-Treasurer, with a view to the reimbursement of the former of his expenses.[3]

Sir Patrick Maxwell was created a Knight-Baronet by King Charles II., by patent under

[1] Original Letter at Pollok.

[2] Regist. Secreti Concilli decreta, 4th March 1680, p. 343.

[3] Regist. Secreti Concilii decreta, 1st May 1683, p. 495.

the Great Seal, dated 7th February 1683, and granting the dignity to him and the heirs-male of his body.[1]

Like his father, Sir Patrick Maxwell had large money transactions with his chief the Earl of Nithsdale and others. On the 11th June 1665, Robert Earl of Nithsdale granted to Sir Patrick a bond for 200,000 merks Scots, payable at the first Whitsunday or Martinmas after the Earl's death. On the 1st May 1683, he and his father granted a bond for 5000 merks to Jean Maxwell, daughter of the late James Maxwell of Springkell, Master of Maxwell.[2]

Disputes having arisen between Mr. William Maxwell, father of Sir Patrick, and their neighbour, Colonel James Johnston of Graitney, regarding their rights of property, Sir Patrick naturally took part with his father. He and his father obtained a summons of reduction against the Colonel on the 20th of April 1683; and, on the 8th July 1701, Sir Patrick obtained a summons of declarator of property against William Johnston, elder of Graitney.[3]

Mr. William Maxwell conveyed the barony of Springkell to his son Sir Patrick, by disposition dated 23d July 1683. He reserved his own lifcrent, with power to name the heirs to succeed to Sir Patrick.

Sir Patrick continued to take an active interest in his estate and family till the middle of April 1723, when he died in a good old age. On the 15th of that month, Sir William Maxwell, his son, wrote to Lord Pollok intimating Sir Patrick's death. His Lordship acknowledged the intimation in the following letter, which was considered a very kind and friendly one by Sir William :—

" Pollok, 22d April 1723.

" Dear Cusing,—I had the kyndnes of yours of the 15th current on Fryday last, giveing me accompt of your father his pious and Christian death, wherin I doe heartilie condole with yow and your sisters upon the loss of so good a parent to his children, and so worthie a kynd freind to my self and all his relations, of whom he so well deserved that his memorie will be savourie to all that knew him; for, so far as I knew him, he was readie to doe good to all men, and offensive to none, so that I hope he is now happie as any can wish him; and I am glade he lived so long as to leave you a good patern, and that his dieing instructions and exhortations to yow and his other children may long remaine with yow, and God may enable yow to followe his good example.

" Yow may assure yourself, that so long as I live, which cannot be long, who am now come to so advanced yeares, but I shall both enjoyne the gentleman that in all probabilitie may succeed me, and I think he hath that naturall inclination in himself, that both he and I will be assistant to yow in any of your affaires ye stand in need of, tho' providence hath cast your lott at so great a distance, yett our relation and freindship shall never be wanting to one another.

I am ever in all sincerity, Sir, your affectionat cusing and humble servant,

" Jo. Maxwell.

" My sister Lillias remembers yow kyndly; and all the children are pretty weell, but in some fears of the chin-cough. My cusing John is sensible of your kyndnes, but he could hardly in tyme come to the buriall, quhich I doubt not yee have ordered decently, and alse quickly as yee could." [4]

[1] Reg. Mag. Sig. lib. lxix. 45.
[2] Original extract Bonds at Springkell.
[3] Original Summonses at Springkell.
[4] Original Letter, *ibid.*

Sir Patrick Maxwell married first a daughter of Dacre of Kirkleton, in the county of Cumberland, without issue; and secondly, Mary Gordon, daughter of Alexander sixth Viscount of Kenmure by his third marriage with Lady Grace Stewart, daughter of James second Earl of Galloway, by whom he had one son and five daughters, viz. :—

1. William, his successor.
2. Grace, who married John Henderson of Broadholm, and had issue. She survived her husband. Her death is thus noticed in the Scots Magazine :—"19th May 1788. At Dumfries, at a very advanced age, Grizel Maxwell, widow of the late John Henderson, Esq. of Broadholm, and daughter of the deceased Sir Patrick Maxwell of Springkell." [1]
3. Mary married James Douglas, a younger son of Sir William Douglas of Kelhead, Baronet, and had issue.
4. Henrietta married William Douglas of Dornoch.
5. Elizabeth died unmarried.
6. A daughter.

III. Sir William Maxwell, Second Baronet of Springkell, 1723-1760,

Born on 10th August 1703, succeeded his father in April 1723. He was educated at the University of Glasgow, where he entered the fifth class as son of Sir Patrick Maxwell of Springkell, Baronet, in March 1719.[2] By disposition dated 9th November 1706, Sir Patrick Maxwell, for the love and favour which he had to his only son, William Maxwell, and for other considerations, conveyed to him the barony of Springkell.[3] Sir Patrick reserved his own liferent of the barony, and also power to burden it with debt; and provision in favour of Dame Mary Gordon, his spouse.

Various questions and claims appear to have been long in dependence between the families of Springkell and Dalswinton, which were at last amicably arranged by arbitration. On the 6th and 7th July 1724, Sir William entered into a submission with Hugh Maxwell of Dalswinton, whereby they agreed to refer the disputed claim between them to Charles Farquharson and John Sibbald, writers, with Sir John Maxwell of Pollok, Lord Justice-Clerk, as oversman. In February 1729 there was another submission between them, and by decreet-arbitral Sir William obtained from his cousin of Dalswinton £150 sterling in full of his claim.[4]

Sir William erected, in the year 1734, the present mansion-house of Springkell, with the exception of the east and west wings, which were added about the year 1818, by the father of the present Baronet. The house is a handsome building, in the Grecian style of architecture, and stands on rising ground about 250 yards to the eastward of the site of the old family residence and village of Kirkconnel.

Sir William Maxwell married, on 11th October 1725, Catherine, eldest daughter of Sir William Douglas, Baronet, of Kelhead. He died on the 14th July 1760, and Lady Maxwell died at Springkell on the 29th September of the year following.[5] The issue of this union was one son, William, who succeeded his father, and a daughter, Catherine, who died unmarried, at Traquair, on 15th April 1763.[6]

[1] Scots Magazine, vol. l. p. 259.
[2] Munimenta Universitatis Glasguensis, vol. iii. p. 216.
[3] Original Disposition at Springkell.
[4] Original Submissions at Springkell.
[5] Scots Magazine, vol. xxiii. p. 559.
[6] *Ibid.*, vol. xxv. p. 302.

IV. Sir William Maxwell, Third Baronet of Springkell, 1760-1804,

Born on 31st December 1739, succeeded his father as third Baronet, on 14th July 1760. On 12th May 1761, he obtained from Charles, Duke of Queensberry and Dover, the superior, a precept of clare constat for infefting him in the lands of Kirkconnel, Logan, etc., as only son and heir of his father Sir William Maxwell.[1] Pennant, in his Tour in Scotland in 1772, thanks Sir William Maxwell, among others, for having furnished him with a variety of drawings of articles found at the Roman Station at Burrens, in the parish of Middlebie.[2] Sir William greatly improved Springkell by extensive planting of trees. After his succession in 1760, he planted not less than 150 acres of strips, clumps, etc., consisting of Scotch, spruce, silver, and balm of Gilead firs, larix, oak, ash, birch, etc. He married, on 26th March 1764, Margaret Shaw Stewart, daughter of Sir Michael Shaw Stewart, Baronet, of Blackhall.[3] Sir William died at Springkell on 4th March 1804, in the sixty-fifth year of his age.[4] Lady Maxwell survived him for twelve years. She was the correspondent of many eminent literary characters, and was a lady of great abilities. She died in March 1816, aged seventy-four years.[5] Of this marriage there were four sons and two daughters :—

1. William, born 22d January 1765.[6] He was a Lieutenant in the 36th Regiment, and died unmarried, during his father's lifetime, on board the "Chesterfield" East Indiaman, on his passage from Bombay to China, on 19th August 1784.[7]
2. Michael Stewart, born 21st July 1768.[8] He was Colonel of the Dumfriesshire Light Dragoons, and died unmarried, on 19th October 1803, about half-a-year before his father's death.[9]
3. Patrick, born 9th June 1770.[10] He was an Ensign in the 6th Regiment of Foot, and whilst on service with his regiment was drowned by the upsetting of a boat on the river, near Shelburne, Nova Scotia, on 10th July 1790.[11] He was unmarried.
4. John Shaw, who succeeded his father.
5. Helenora, born 13th December 1765, married, on 28th January 1788, to Claud Alexander of Ballochmyle, Ayrshire, to whom she had three sons and six daughters.
6. Catharine, born on 7th January 1767,[12] and married, on 24th September 1787, to her first cousin, Michael Stewart Nicolson of Carnock, afterwards Sir Michael Shaw Stewart of Greenock and Blackhall, Baronet, to whom she had six sons and three daughters.

V. Sir John Shaw Heron Maxwell, Fourth Baronet of Springkell, 1804-1830,

Was born on the 29th June 1772,[13] succeeded his father on 4th March 1804, and was infeft in the lands of Springkell and others, as heir to his father, on 24th May 1808. He was elected

[1] Original Precept at Springkell.
[2] Pennant's Tour, vol. ii. p. 4.
[3] Scots Magazine, vol. xxvi. p. 466.
[4] *Ibid.*, vol. lxvi. p. 239.
[5] Crawfurd's Renfrewshire, Robertson's edition, p. 414.
[6] Scots Magazine, vol. xxvii. p. 55.
[7] Scots Magazine, vol. xlvii. p. 415.
[8] *Ibid.*, vol. xxx. p. 559.
[9] *Ibid.*, vol. lxv. p. 739.
[10] *Ibid.*, vol. xxxii. p. 342.
[11] *Ibid.*, vol. lii. p. 464.
[12] *Ibid.*, vol. xxix. p. 55.
[13] *Ibid.*, vol. xxxiv. p. 333.

representative in Parliament for the burghs of Dumfries, Sanquhar, etc., in 1806. He entered the army and became a Lieutenant-General. On the death of his father-in-law he assumed the additional surname and arms of Heron. He married, at Kirouchtrie, on 4th January 1802, Stuart Mary Heron, only surviving child and heiress of Patrick Heron of Heron, in Galloway, M.P. for the Stewartry of Kirkcudbright, by his wife Lady Elizabeth Cochrane, only daughter of Thomas eighth Earl of Dundonald. Sir John died on 29th January 1830. Of his marriage with Miss Heron, who survived her husband, and died on 18th June 1856, there were seven sons and five daughters :—

1. William, born 24th October 1803, and died 26th June 1810.[1]
2. Patrick, who succeeded his father.
3. John, who succeeded his brother.
4. Michael Heron Maxwell Heron of Heron, born on 8th November 1809.[2] He entered the army, and was a captain in the 87th Royal Irish Fusiliers. After leaving the army, he became a Clergyman of the Church of England, and is now Vicar of Heddon on the Wall, county of Northumberland. On the death of his mother in 1856, he succeeded to the estate of Kirouchtrie in Galloway, assuming the surname and arms of Heron. He married, in February 1834, Charlotte Frances, eldest daughter of Captain Burgoyne, R.N. He has issue two sons and two daughters.
5. Charles Douglas, born 10th October 1813,[3] died in 1824.
6. Robert Heron, born 24th November 1815,[4] died in February 1828.
7. Edward Heron, born 2d March 1821,[5] now of Teviotbank, in Roxburghshire, an estate lately purchased by him. He married, on 20th October 1847, Elizabeth Ellen Stopford Blair, only daughter of Colonel Stopford Blair of Penninghame, Wigtonshire, and has issue, three sons and four daughters.
8. Elizabeth, married, 27th September 1819, Sir James Dalrymple Hay of Park Place, and had an only son, Sir John Charles Dalrymple Hay, now of Park Place, M.P. for Wakefield. He is a Captain in the Royal Navy. Lady Hay died on 10th February 1821.
9. Margaret Stewart Heron, was born on 24th October 1803.[6] She resides at Creebridge, near Newton-Stewart, unmarried.
10. Jane Stuart, born on 4th June 1806,[7] and married, in August 1827, to her cousin, John Shaw Stewart, Advocate, Sheriff of Stirlingshire, and has issue three sons and five daughters. Mr. Stewart died on 29th June 1840.
11. Mary, born on 17th September 1811,[8] and married, on 27th April 1836, to James, now Sir James Dalrymple Horn Elphinstone, of Horn and Logie-Elphinstone, Baronet, M.P. for Portsmouth, and has had five sons and two daughters, of whom three sons and one daughter survive.
12. Helenora Catharine Heron, was born 21st May 1818,[9] and married, on 6th November 1838, to Hew Drummond Elphinstone Dalrymple, fourth son of Sir Robert Dalrymple Horn Elphinstone, and has issue a son and a daughter.

[1] Scots Magazine, vol. lxxii. p. 560.
[2] *Ibid.*, vol. lxxi. p. 878.
[3] *Ibid.*, vol. lxxv. p. 878.
[4] *Ibid.*, vol. lxxvii. p. 957.
[5] Edinburgh Magazine, vol. viii. p. 397.
[6] Kirkpatrick Parish Records.
[7] *Ibid.*
[8] Scots Magazine, vol. lxxiii. p. 796.
[9] Edinburgh Magazine, vol. ii. p. 596.

VI. 1. Sir Patrick Heron Maxwell, Fifth Baronet, 1830-1844,

Was born on 1st January 1805. His elder brother William having predeceased his father, unmarried, Sir Patrick succeeded him as fifth Baronet, on 29th January 1830. Sir Patrick took an active part in the ecclesiastical questions which were agitated in his day, and supported the party who seceded from the Established Church in 1843, and formed themselves into the Free Church. He never married, and died on 27th August 1844, in the fortieth year of his age.

VI. 2. Sir John Heron Maxwell, Sixth and present Baronet of Springkell,

Succeeded his brother Sir Patrick on the 27th August 1844. He was born on 7th March 1808. He is a Lieutenant in the Royal Navy, and married, on 7th November 1833, Caroline, daughter of the Honourable Montgomery Granville John Stewart, brother of George eighth Earl of Galloway. They have had five sons and five daughters, viz. :—

1. John Robert Heron-Maxwell, born 4th June 1836. He is a Lieutenant in the 15th (the King's) Hussars.
2. Robert Charles Herou-Maxwell, born 19th July 1845, and died 11th April 1846.
3. Robert Charles Heron-Maxwell, boru 7th August 1848.
4. Arthur Wellington Heron-Maxwell, boru 14th September 1852.
5. Spencer Horatio Walpole Heron-Maxwell, born 7th Decemuber 1855.
6. Caroline Mary Heron-Maxwell.
7. Mary Catherine Duudonald Heron-Maxwell.
8. Louisa Susan Marlborough Heron-Maxwell.
9. Edith Elphinstone Heron-Maxwell.
10. Beatrice Ethel Heron-Maxwell.

Armorial Bearings.

Shield : *Argent*, on a saltier *sable*, an annulet, *or*, stoned, *azure ;* in base, a crescent of the *second*, all within a bordure, *gules*, charged with eight bezants.

Crest : A dexter hand proper, holding up an eagle's neck, with two heads, erased, *sable.*

Supporters : Two eagles, close, regardant, *sable.*

Motto : Revirescat.

III.—MAXWELL OF DALSWINTON,

In the Parish of Kirkmahoe, Nithsdale.

In the thirteenth century, the lands of Dalswinton belonged to John Cumyn, Lord of Badenoch, popularly styled Red John Cumyn. His grandson, of the same name and popular appellation, was killed by Bruce and Kirkpatrick before the high altar of the convent of the Minorites in Dumfries, in 1305. The castle of Dalswinton, which belonged to Cumyn, was at the same time burned by Bruce. The castle stood near the site of the present mansion-house, which was built by the late Mr. Patrick Miller, when proprietor of Dalswinton. Large portions of the castle walls were standing in 1750, and their remains showed that the castle had been very large and strong. Even as late as the year 1792 part of the ruins remained, and were described by Allan Cunninghame, who lived in the vicinity, as being twelve, and in one place fourteen, feet thick; "bits of burnt wood" were then still clinging to them. Cunninghame also describes the old cow-house of Dalswinton, from his own observation, and says that it had a heavy stone vault, an outer door of wrought iron, and an inner one braced with broad iron bars, fastened with iron rivets.

On the downfall of the Cumyns, Bruce granted the estate of Dalswinton to one of his own adherents, Stewart, ancestor of the Earl of Galloway, in whose family it continued until the seventeenth century, when they sold it to John Rome, merchant in Dumfries. From his possession it was called, in charters from the Crown, the barony of Dalswinton-Rome. John Rome afterwards sold the barony to James Douglas of Mouswald, who, in the year 1649, when lands were at the "dearest," again sold it to John Maxwell, who was an advocate at the Scotch bar, and is said to have been a brother of Sir Robert Maxwell of Orchardton.[1] The price paid by John Maxwell was 52,000 merks.[2] The disposition was taken to him and Janet Nisbet, his sponse, in liferent, and Marion Maxwell, their eldest daughter, and to her sons; whom failing, to Rachel Maxwell, their youngest daughter, and her sons; whom failing, to the nearest heirs-male and assignees of the said John Maxwell. There was a provision that the daughters, or either of them who should succeed to the lands, should be obliged to marry a person of the name of Maxwell, otherways to be secluded from all right to the lands.

I. Marion Maxwell of Dalswinton, and Mr. Hugh Maxwell, W.S., her Husband, 1670-1704.

Marion Maxwell, the eldest daughter of John Maxwell of Dalswinton, married, in 1670, Mr. Hugh Maxwell, W.S., son of Mr. George Maxwell of Auldhouse, by his third wife, Janet Douglas, as already shown in the account of the Auldhouse family.[3]

Hugh Maxwell was born about the year 1636, as in a discharge granted by him on the last of June 1657, he states that he had then completely attained the age of twenty-one years,[4] and that he was then in a capacity to know and judge

[1] Letter, dated 29th May 1815, by the late Hugh Maxwell, younger brother of William Maxwell of Dalswinton, to his daughter, Harriet Maxwell, now Mrs. Symons, of No. 6, Saint Colme Street, Edinburgh. George Crawfurd, however, in his History of Renfrewshire, apparently points to another origin for the first John Maxwell of Dalswinton. He says, "The Maxwells of Bredieland have furnished some considerable cadets, as John Maxwell, predecessor by the mother to George Maxwell, now of Dalswinton."—[Robertson's edition, p. 89.]

[2] Information for Mr. Hugh Maxwell of Dalswinton. —[Original at Pollok.]

[3] The younger daughter of John Maxwell of Dalswinton married John Mure.

[4] Original Discharge at Pollok.

of things done to his utility in his minority, and being well satisfied with the care and pains taken in his education in literature, and that the expenses so far surmounted his patrimony, he therefore discharged his tutors thereof.

Next year, by indenture dated 2d July 1658, Hugh Maxwell became apprentice to John Sempill of Balgoue, Writer to the Signet, for three years.[1] This indenture contains several stringent clauses on the apprentice. Among other things, he became bound not to be "ane cairter" (card-player), "dycer, drinker, or night-walker, nor haunt, nor beir companie with any such vicious persouns," under a penalty of £100 Scots.

Mr. Hugh Maxwell, like his immediate ancestors, and his cousin, Lord Pollok, was a strict Presbyterian. For refusing to take the test under the special commission, held by the Marquis of Queensberry and John Graham of Claverhouse at Dumfries in 1684, he was imprisoned in the Tolbooth of Edinburgh, where he continued for many months. He was afterwards fined.[2]

Hugh and Marion Maxwell had two sons, George and James. The latter died unmarried, and left a good fortune to his nephew, Hugh Maxwell, the eldest son of his brother George. Mr. Hugh Maxwell of Dalswinton died in July 1704,[3] and was succeeded by his eldest son,—

II. George Maxwell, Second of Dalswinton, 1704-1720,

Who, previously to his succession to Dalswinton, appears to have taken charge of the barony of Dalswinton on behalf of his father. In a letter written by him to Lord Pollok on 13th June 1698, he complains of the conduct of the tenants of the barony of Duncow, adjoining Dalswinton, who claimed a right to the moor of Duncow, although a declarator of property in it had been obtained against the late two Earls of Nithsdale. He writes,—"Such is their continued insolence (that not to speak of baise and cruell words and reflections), upon Saturday last they gathered about the number of fourscore persons to have brocken or carried away the peats that we had casten ourselves; . . . and if you doe not own use in owr just right, and befriend us, we shall certainly be rune doun by an ungodly pack of papists and demi atheists in this place, who would devour us through meer peak and malice against our profession."[4]

George Maxwell and his cousin, Sir Patrick Maxwell of Springkell, had some misunderstanding about old pecuniary matters;[5] but through the intervention of friends, the questions between them were amicably arranged, and they were afterwards on the best of terms, and their eldest sons having married sisters who were daughters of Douglas of Kelhead, the bonds of friendship between them were strengthened. Failing other heirs who are named in an entail of Dalswinton, made by George Maxwell, the second son of Sir William Maxwell of Springkell is named, as will be afterwards seen.

[1] Original Indenture at Pollok.

[2] Wodrow, vol. iv. pp. 128-136, where he is called that excellent and worthy gentleman. Mr. Napier, on the other hand, says that Hugh Maxwell was sent to prison to think better of not taking the test (*Memoirs of Dundee*, vol. i. p. 342). Mr. Hugh Maxwell was not the only landed proprietor in Dumfriesshire who refused to take the test, as appears from a letter to the Earl of Crawford, President of the Council, signed by Hugh Maxwell and nine other landed proprietors, dated 8th August 1690.—[Original Letter at Melville House.]

[3] Record of Commissariot of Edinburgh Testaments, vol. 82, 11th September 1704.—[Register House.] Also Precept for infefting George Maxwell as heir to his father, dated 10th October 1704.—[At Dalswinton.]

[4] Original Letter at Pollok.

[5] Abstract of Letter in Springkell Inventory-book.

George Maxwell had a great dislike to persons professing the Roman Catholic faith, who are excluded from succeeding to Dalswinton by the following clause in the crown charter of the lands and barony in favour of Hugh Maxwell his son, dated 27th July 1724 :—

Providing also, as by these presents it is expressly provided and declared, and ordained to be embraced in the instruments of resignation, sasine, and others following thereon, that it shall not be allowable nor lawful for any one of the members of taillie above specified to be a Papist, or once to profess the religion of the Pope, or to marry a popish wife, or be married to a popish husband, or to be united to a popish family : And if any of them act on the contrary and become a Papist, or once profess the religion of the Pope, or marry or be married as aforesaid ; then, and in that case, every such heir of taillie, male or female and the descendants of their bodies, shall be incapable of succeeding to the said lands and estate, if they shall ever have been Papists, or have once professed the religion of the Pope, or have married or been married to a Papist : And if after succession to the foresaid lands they may become Papists, or once profess the religion of the Pope, or form a matrimonial connexion with a popish family, that by that very act they shall forego, and lose all right, title, and succession above specified to the lands, barony, and others above mentioned ; and the same, in the case foresaid, shall fall, accresce, and belong to the next heir of taillie, etc.[1]

This charter proceeded on a disposition made by George Maxwell in favour of himself and his four sons after named, whom failing to the second sons respectively of Mr. John Maxwell, son of the late Mr. Zacharias Maxwell of Blawarthill, and of Sir William Maxwell of Springkell.

George Maxwell married, in the year 1700, Jane Campbell, daughter of Lord Neil Campbell, second son of Archibald Marquis of Argyll, and had issue four sons and two daughters :—

1. Hugh, who succeeded his father.
2. Neil, who had one son of the same name, who resided in London. His grandniece, Harriet Maxwell, Mrs. Symons, before mentioned, remembers this son, then an old man, and unmarried, often calling at her father's house when she was young.
3. Archibald Maxwell.
4. John Maxwell, who entered the army and became a captain. He died at Bath on 24th February 1766.[2]
5. Jane Maxwell.
6. Marion Maxwell.

George Maxwell died in the year 1721, and was succeeded by his eldest son,

III. Hugh Maxwell, Third of Dalswinton, 1721-1765.

Six years after his succession, and on 30th April 1727, Hugh Maxwell married Jane, second daughter of Sir William Douglas of Kelhead.[3] Of this marriage there were six sons and one daughter. Hugh Maxwell died in March 1765. His children were :—

1. William, who succeeded his father.

2. George William. He was accidentally shot at Twyning, in Gloucestershire, on 15th June 1779. Whilst in the act of loading his gun to shoot small birds, as food for his children's hawk, the gun went off, and the charge having lodged in his face, he was killed on the spot.

[1] Original Charter in Dalswinton charter-chest.—[Translated.]

[2] Scots Magazine, vol. xxviii. p. 111.

[3] The only surviving grand-daughter of Jane Douglas, Harriet Maxwell, Mrs. Symons, has a miniature of Jane Douglas.

He married Ann, heiress of Peter Handcock of Twyning Manor, Gloucestershire, and of Norton, Worcestershire, by whom he had one son and four daughters, viz. :—

1. William George Maxwell of Twyning, who was a clergyman in the Church of England at Bridgenorth in Shropshire. He was killed at Twyniug in November 1838, by an accident somewhat similar to that which carried off his father,—the bursting of his gun when out shooting. He died unmarried, and was succeeded in Twyning by his sister Helen.
2. Anne Maxwell, who married the Rev. W. J. Young of Birmingham. She died in January 1858 without issue.
3. Jane Charlotte Maxwell, who married Henry Fowke, solicitor, and Deputy Recorder of Tewkesbury. Their children were—
   1. Anne Rachael Fowke, who married Richard Gumbleton of Glanatore, county of Cork, Ireland. Their only surviving son, Richard John Maxwell Gumbleton, married Isabella Matilda, only daughter of the Honourable Judge Des Barres, and has issue. He is the heir-presumptive to his aunt, Mrs. Stocker, in the estate of Twyniug.
   2. Jane Mary, married Walter B. Stocker, Post-Captain R.N., without issue. Mrs. Stocker succeeded her aunt, Helen, in Twyning Mauor, and is the present proprietor.
4. Helen Frances succeeded to Twyning on the death of her brother, William George. She died unmarried, 14th July 1858, and was succeeded in Twyniug by her niece, Mrs. Stocker.
5. Mary Maxwell died young, and unmarried, in 1793.

3 & 4. James and John Maxwell, third and fourth sons of Hugh Maxwell, both died young and unmarried.

5. Hugh, the fifth son of Hugh Maxwell and Jane Douglas, married Jane Henrietta, daughter of Sir Gilbert Griersou of Lag, Baronet, by whom he had one son and three daughters, viz. :—

1. Hugh, who married Anne Thomas. Mrs. Maxwell succeeded to her uncle Charles Goodwin, Cheshire, and her husband thereupon added the name of Goodwin to that of Maxwell. Hugh Maxwell entered the army, and became a Lieutenant-Colonel. He died at Mount Alyn, Denbighshire, on 15th January 1846, aged eighty-three, without issue.
2. Jane,[1] died at Dumfries, unmarried, on 16th December 1826.
3. Margaret, died at Annfield near Mount Alyn, Denbighshire, unmarried, on 26th August 1850.
4. Helen, died at Dumfries, unmarried, on 10th December 1821.
5. Harriet, married John Symons, Esq., Physiciau, Dumfries, and had one son, John, who, to the great grief of his parents, died in 1838, in his sixteeuth year, while a student at the University of Glasgow. Mrs. Symons resides at No. 6, St. Colme Street, Edinburgh.

Hugh Maxwell died at Forrest, in Montgomerieshire, North Wales, on 10th July 1810.

6. Charles Maxwell, married Eleauor Bagshawe, widow of Johu Fonblanque, merchant in London. His grand-daughter, Mrs. Philipps, in a letter dated 16th February 1863, writes :—"I remember him" (my grandfather) "perfectly, as it was my privilege to be a pet, and I used to stand

[1] She received from her grandmother, Jane Douglas, a handsome silver coffee-pot, engraved with the family arms, and inscribed,—"Jane Maxwell, her grandmother Dalswinton's gift." This is now the property of Mrs. Symons, only surviving sister of Jane Maxwell.

up on a chair to comb his beautiful white silky hair. He was very handsome. He died at my mother's house at Tiverton, Devon, in 1817." She also writes that he never smiled after the death of his two sons. He had two sons and four daughters, viz. :—

1. Charles, a Captain in the Fourth Native Infantry at Bencoolen, East Indies, where he died unmarried, on 16th December 1800.
2. Hugh, first mate of an East Indiaman, died from a stroke of the sun, unmarried. Jane Maxwell, writing, 29th December 1801, to her brother Charles, with whose death she was not then acquainted, says—"My little girl never saw her uncle though she was three years old when he died." She had before stated that the child was more than four years of age, which would have made the date of Hugh's death about the end of 1800.
3. Eleanor, married James West of the Royal Navy. She died on 11th December 1833, *s.p.*
4. Jane, married John Martin of Plymouth. They had two daughters, Ellen and Laura. Mrs. Martin died on 19th April 1852.
5. Catherine, married Christopher Vowell, Major in the 88th Regiment, and had one son, Christopher Maxwell Vowell, and two daughters, Margaret Eleanor, Mrs. Philipps, and Katherine, Mrs. Harris. Mrs. Vowell died on 10th May 1844.
6. Frances, married Michael Foveaux of the War-Office, and had a son, Charles, surviving.

7. Helena, married Benjamin Roebuck, merchant in Sheffield, grand-uncle of Mr. J. A. Roebuck, now M.P. for Sheffield.

IV. William Maxwell, Fourth of Dalswinton, 1765-1786,

Was baptized on 11th July 1728, as appears from the Record of Baptisms of the parish of Kirkmahoe. He succeeded to his father in 1765, and was served heir to him in 1767. He entered the army, and became a Major. During his absence on service, he intrusted the management of the estate of Dalswinton to his younger brother Hugh, who frequently resided there. Owing to the failure of the bank of Douglas, Heron, and Company, Ayr, of which he was a shareholder, Major Maxwell became so involved, that he was obliged to sell Dalswinton in the year 1786. Major Maxwell married Mary Boscawen, daughter of Viscount Falmouth, without issue.

Dalswinton was purchased from Major Maxwell by Mr. Miller, who commenced a series of improvements, which have been well carried out by Mr. Macalpine Leny, the present proprietor, himself the originator of many improvements upon the property, contributing greatly to its beauty and to its agricultural value.

IV.—THE MAXWELLS OF COWGLEN,

In the Parish of Eastwood, and County of Renfrew.

Previous to the beginning of the sixteenth century, the lands of Cowglen belonged to the Earls of Lennox, as part of their lordship of Darnley. The family of Elizabeth Stewart, daughter of John first Earl of Lennox, of the house of Darnley, by her husband, John Maxwell of Pollok, profited by their connexion with the house of Lennox. The eldest son, as has been shown in his memoir, obtained the lands of Henrieston. The second son was assisted to preferment in the Church, and became Bishop of Orkney. The third son, George, was also in favour with his cousin John third Earl of Lennox, and was assisted by him in acquiring several properties in the lordship of Darnley. One of these was Cowglen, comprising East and West Cowglen.[1]

The mansion-house of Cowglen, which existed in the time of George Maxwell, the first owner of the name, has long disappeared, and no remains of it can now be traced. The manor place of Cowglen is the place appointed for taking sasine in favour of Sir George Maxwell of Pollok, for his land in the regality of Darnley, by charter of the Duke of Lennox in 1645. From old trees which still exist at East Cowglen, and other indications of ancient residence, it is probable that the mansion-house stood at the East Cowglen.

In the year 1800, a new mansion-house, with extensive offices, was built on a rising ground, commonly called "The Mount," which is about midway between East and West Cowglen, and extends on each side of the march dividing the two Cowglens. From this modern house there is an extensive view of the surrounding country.

Captain George Maxwell, First of Cowglen, 1518-1528.

John, third Earl of Lennox, in 1518, sold to his cousin, George Maxwell, third son of Sir John Maxwell of Pollok and Elizabeth Stewart, the £3 lands of Cowglen, and the £1 lands of Little Cowglen. On the 24th September 1518, the Earl granted to George a charter of the lands of Arden, in the lordship of Darnley, in warrandice of the lands of Cowglen.[2] George was infeft in the lands of Arden on the 27th of the same month.[3]

George Maxwell purchased from the Earl his right to redeem the lands of Meikle and Little Cowglen; and on the 29th of June 1519, he took instruments, on the renunciation by the Earl, of his right of redemption.[4]

The Earl of Lennox sold to his cousin other lands adjacent to Cowglen. In 1521, the Earl granted to him a disposition of the lands of Pottarton, Deaconsbank, and Hillfield, all in the lordship of Darnley; and William Maxwell, parish clerk of Eastwood, as bailie of the Earl, infeft George in these lands on the 20th November and 4th January 1521.[5]

The Earl of Lennox supported his cousin, George Maxwell, in the possession of his acquired lands. On 1st May 1524, the Earl granted to him a bond of manrent, whereby, in consideration

[1] It appears from a decreet-arbitral, dated 3d January 1500, that Arthur Maxwell, who had a liferent right to the lands of Glanderston, was to be infeft, in lieu thereof, by the Earl of Lennox, in forty shillings' worth of land of the Over Culglen.—[Caldwell Papers, Part I., p. 52.]

[2] Vol. i. p. 236.

[3] Original Sasine at Pollok.

[4] Vol. i. p. 239.

[5] Vol. i. pp. 247-249, and original sasines at Pollok.

of George becoming man to the Earl, "of special retineu," he binds himself to maintain, help, supply, and defend him in his lawful actions against all persons, excepting the sovereign.[1]

While Captain Maxwell was thus protected by his powerful cousin on the mother's side, and enabled through him to make additions to his property, he was equally fortunate in having the favour of his chief, the Lord Maxwell, and also of the spiritual lord of his district, Gavin Dunbar, Archbishop of Glasgow, who, on 8th December 1527, granted a bond of maintenance to George, promising to defend him in his just quarrels and actions against all persons except the sovereign.[2]

Robert fifth Lord Maxwell appointed George Maxwell of Cowglen to be constable and keeper of the Castle of Mearns for seven years, from 28th January 1520, with the usual fees and emoluments belonging to that office.[3] By a new appointment, dated at Mearns on the 18th of August 1528, Lord Maxwell again named George Maxwell his bailie of the lordship of Mearns, and keeper of the Castle of Mearns.[4]

Captain George Maxwell, besides acquiring these lands and offices, also obtained from the Duke of Albany, Governor of Scotland in the minority of King James V., the marriage of the heir of the late John Maxwell of Pollok, by gift dated 22d April 1524.[5] This gave to George Maxwell charge of the estate of Pollok during the minority of his grandniece, Elizabeth Maxwell, the heiress. He arranged that his eldest son should marry the heiress, which he did when they were both quite young, as has been already explained in the memoir of them.[6]

Robert Maxwell, Bishop of Orkney, resigned, on 17th September 1527, in favour of his brother, George Maxwell of Cowglen, the lands of Easter Sheils and Govan Haggs, reserving the liferent thereof to their mother, Elizabeth Stewart, Lady Nether Pollok.[7]

In the following year, George Maxwell is named in several instruments connected with the lands of Pottarton and Deaconsbank, and others.[8] These transactions show that he had been active in business, and in looking after the affairs of himself and his friends till within a few weeks of his death, which occurred in the month of December 1528.[9]

His testament was made at Glasgow on the 30th of August 1522. It states that it was made on account of the impending wars, which probably referred to the contests between King Henry VIII. and the Regent Albany. As George is styled Captain, it is probable that he took part in them, and the gift of the marriage of the heiress of Pollok may have been conferred upon him for his services.

In his testament, Captain Maxwell named as his executors, his brother, Robert Maxwell, then Chancellor of Moray and Canon of Glasgow, Janet Maxwell, wife of George, the testator, and Mr. John Reid, Vicar of Campsy.

He commits his soul to God Almighty, and his body to be buried where it pleases the Divine Goodness. He leaves fourpence to the fabric of St. Quintin, and ordains that a chaplain celebrate masses for him at the altar of the Virgin Mary in the church at Eastwood daily, and five masses on each feast of the Virgin for seven years after his death. He also leaves nine cows for the support of the various altars in the churches of Eastwood and Mearns.[10]

[1] Vol. i. p. 252.
[2] Vol. i. p. 257.
[3] Vol. i. p. 245.
[4] Copy Appointment at Pollok.
[5] Original Gift at Pollok.
[6] *Supra*, p. 25.
[7] Vol. i. p. 253.
[8] Vol. i. pp. 254, 257, 259.
[9] Original Letters of Advocation at Pollok.
[10] Vol. i. p. 251.

By his wife, Janet Maxwell, daughter of Maxwell of Tinwald, he had three sons and two daughters. Janet survived him, and having married, secondly, John Maxwell of Dargavel, died before 19th March 1546.

The sons and daughters of Captain Maxwell were :—

1. John, who married his cousin, Elizabeth Maxwell, heiress of Pollok, and carried on the line of that family as already shown.

2. Robert. In the charter by Robert Lord Maxwell to John Maxwell, younger of Cowglen, and Elizabeth Maxwell, heiress of Pollok, on the occasion of their marriage, of the lands of Pollok and Carnwadcrick, dated 15th August 1536, Robert Maxwell is named in the destination to the heirs-male next after the issue of the marriage.[1] This shows that Robert was immediate younger brother of John. Robert would have been the heir-male of the family if his elder brother had died without leaving sons. On 4th May 1542, Janet Cathcart, relict of William Maxwell of Carnwaderick, raised a summons against Robert Maxwell, and John Maxwell of Pollok, his brother, for spoliation of her house of Carnwaderick.[2] Robert was living on 10th October 1545, as appears from a receipt in which he is mentioned.[3] No further notice has been found of Robert, and it is probable that he died soon afterwards unmarried.

3. George, who was under seventeen years in 1522, when his father made his testament, in which his executors were ordained to maintain his son George from his goods and substance till he attained the age of seventeen, and then to pay to him the sum of £10.[4] George Maxwell probably died before 15th August 1536, when the charter of that date just mentioned was granted to his eldest brother John, on the occasion of his marriage, as Robert Maxwell, brother of John, is called to the succession of Pollok, failing sons of John ; and after Robert and his sons, Robert Bishop of Orkney is nominated as the next heir. From the omission of George in this destination of the family estate, it appears certain that he had died young, and without issue.

4. Margaret Maxwell, when a girl of less than seven years of age, was contracted in marriage to John Stewart, younger of Minto, who was then a boy of the same age. The marriage does not appear to have been entered into, and John Stewart brought a reduction of the settlement made by the parents of the minors, when the marriage was broken off. On 17th September 1529, Alan Stewart of Craighall, and William Stirling of Glorat acknowledged their obligation to pay to Margaret 250 merks for her marriage, and, in the event of her dying unmarried, to Marion her sister.[5] Margaret Maxwell died between 8th November 1542 and 20th January 1543, without issue.[6]

5. Marion Maxwell, who, as sister-german and nearest heir of the late Margaret Maxwell, raised a process of cursing against George Stirling of Glorat, son and heir of the late William Stirling of Glorat, for non-payment of 250 merks "to her marriage." Letters of poinding and apprising were also raised against him at the instance of Marion Maxwell on the 20th of January 1543.[7]

[1] Vol. i. p. 273.

[2] Copy Summons at Pollok.

[3] Original Receipt, *ibid.*

[4] Vol. i. p. 251.

[5] Original Acknowledgment at Pollok.

[6] Copy Summons of Reduction at Pollok. Sir John Stewart married first Johanna Hepburn. By his second wife, Margaret, daughter of James Stewart of Cardonald, he was father of the first Lord Blantyre.

[7] Original Letters at Pollok. George Maxwell of Cowglen appears to have had a natural son, George, who is called "brodir naturall" to John Maxwell of Pollok, in an indenture dated 24th November 1559, between George and William his "sone carnall," and Adam Scott, smith in Glasgow, to whom William became apprentice.—[Original at Pollok.]

George Maxwell of Cowglen had a natural daughter, Janet, who married John Gibson, son of Thomas Gibson, in Govan, as appears from the contract of their marriage, dated at Pollok, 18th April 1545.—[Original at Pollok.]

William Maxwell, younger brother of Captain George Maxwell of Cowglen, and fourth son of Sir John Maxwell of Pollok and Elizabeth Stewart, was generally designated of Carnwaderick, which was then a separate property, but now forms part of the Pollok estate. He granted an obligation in favour of his brother George, on the 23d October 1527, binding himself not to uplift any of the duties of the lands of Potterton, Hillfield, and Deaconsbank, so long as he was not troubled in the possession of Carnwaderick and Pollokhaugh.[1] This William Maxwell is named as the next heir-male after his brother, the Bishop of Orkney, in the destination of the Pollok estate which was made on the occasion of the marriage of his nephew John Maxwell with Elizabeth, the heiress of Pollok. On the 27th August 1536, John and Elizabeth Maxwell of Pollok granted a charter to William Maxwell of the lands of Carnwaderick in liferent, and to him and his spouse, Janet Cathcart, of the lands of Pollokhaugh, in fee.[2] It appears from an instrument, dated 17th July 1539, that certain occupiers therein named of "maylings" called Govan Schelis, each gave over his mayling, with a piece of tree, as use is, to William Maxwell, as bailie of his mother, Dame Elizabeth Stewart, Lady of Pollok, tenant of Govanschelis to my Lord of Glasgow.[3] On the 23d March 1540, and the 26th March 1541, William Maxwell, along with Walter Maxwell of Aitken-head, delivered to the Laird of Pollok certain furnishings which had belonged to the Bishop of Orkney.[4] William died before 13th July 1542, on which date Janet Cathcart, as his relict, and their three children, John, Robert, and Isabel, received a lease of Carnwaderick from John and Elizabeth Maxwell of Pollok.[5]

Janet Cathcart married, secondly, with consent of John Maxwell of Pollok, John Roberton of Ernock.[6] She continued to possess Carnwaderick and Pollokhaugh till 18th January 1565, when she and her son John Maxwell resigned all claim to these lands in favour of Sir John and Elizabeth Maxwell, for the sum of 400 merks and right to Over Cowglen.[7]

In the year 1719, a question arose between William Duke of Montrose, as in place of the Lennox family by purchase of the lordship of Darnley, and Lord Pollok, as to the lands of Cowglen, which, with other lands, were wadset in the year 1662 by the Duke of Lennox to Lord Pollok's father. Several papers were written by the agents of the Duke of Montrose, on the one side, and by Lord Pollok on the other. The Duke maintained that the lands of Easter Cowglen were included in the wadset, and could then be redeemed as his property. Lord Pollok maintained that the lands were his own property, and were included in the wadset by mistake.

The Duke made inquiry in the country on the subject, and stated that by the common repute the Meikle Cowglen is a £4 land, and that the tradition of the country is that the Damshott and Little Cowglen were in a kindly tenandry to one Maxwell, whose family became extinct, leaving only one sister behind, who died about fourscore years ago, and my Lord Pollok's father or grandfather succeeded to her in the possession of these two mailings.

It is added in the memorandum for the Duke, that the two Cowglens are distinguished likewise by the names of Over and Nether Cowglens, and the Nether Cowglen is the Meikle or Wester Cowglen.[8]

Lord Pollok disputed these arguments, and, it is understood, successfully.

[1] Vol. i. p. 254.
[2] Vol. i. p. 276.
[3] Original Instrument at Pollok.
[4] Vol. i. p. 283.
[5] Copy Lease at Pollok.
[6] Copy Consent, *ibid.*
[7] Extract Contract at Pollok.
[8] Memorandum, dated 28th October 1719, at Buchanan.

V.—THE MAXWELLS OF CALDERWOOD,

In the Parish of Kilbryde, and County of Lanark.

This is the oldest branch of the Maxwells of Pollok. Sir John Maxwell, the fourth baron of Pollok, acquired many lands in addition to his paternal estate, and settled Calderwood and several other estates on his second son, Robert, the ancestor of the Maxwells of Calderwood. The indenture by which Sir John Maxwell, on the 14th of December 1400, settled his estates of Pollok and Calderwood on his eldest and second sons respectively, is a very formal instrument.[1] Sir John, the eldest son, and his heirs were thereby provided to Pollok, and the other lands therein specified; while Robert and his heirs were provided to the estate of Calderwood, and to the lands of Dripps, Jackton, Allertown, Newlands, Greenhills, the two Aikenheads, the over lordship of a quarter of Thornton, all in Lanarkshire, and Hawkshaw, Finglen, and Carterhope in Tweedmuir.

These lands, or such of them as remained unsold, were, by King Charles II. by a charter under the Great Seal, dated 8th March 1667, in favour of William Maxwell of Jackton, afterwards Sir William Maxwell of Calderwood, Baronet, and Jane Maxwell, his spouse, erected into the barony of Calderwood, and the mansion-house of Calderwood is thereby ordained to be the principal messuage of the barony.

The old Castle was situated on the banks of the Calder Water. Hamilton of Wishaw, in his account of Lanarkshire, states that it was seated upon a precipice on the water of Rottin Calder, surrounded with woods. The date of its erection is unknown. The rock on which it stood was sixty feet perpendicular. The following mensuration of the castle was made for Sir William Maxwell of Calderwood on 28th January 1773 :—from the top of the bell-house to the ground, 87½ feet; from the foundation to the water, perpendicular, 60 feet. The outside of the walls was in length 69 feet. There was 40 feet of it 35 feet wide, and the rest was 26 feet wide. The walls were 7 feet thick for most part. There was a vault down from near the top of the house to the water.

On this mensuration Sir William Maxwell endorsed the following memorandum :—"The whole north-west side, which joined or was laid to the extraordinary thick middle wall of the two houses, or west wall of the eastmost house, came down with almost the whole west end of the house which joined it, on the 23d of January 1773, at half-an-hour after nine in the morning. Not so much as a dog hurt."[2]

The fall of the Castle of Calderwood, and the providential safety of the inmates, by the foresight of one connected with the family, has been detailed in a popular periodical with such interesting minuteness as to warrant its repetition here :—

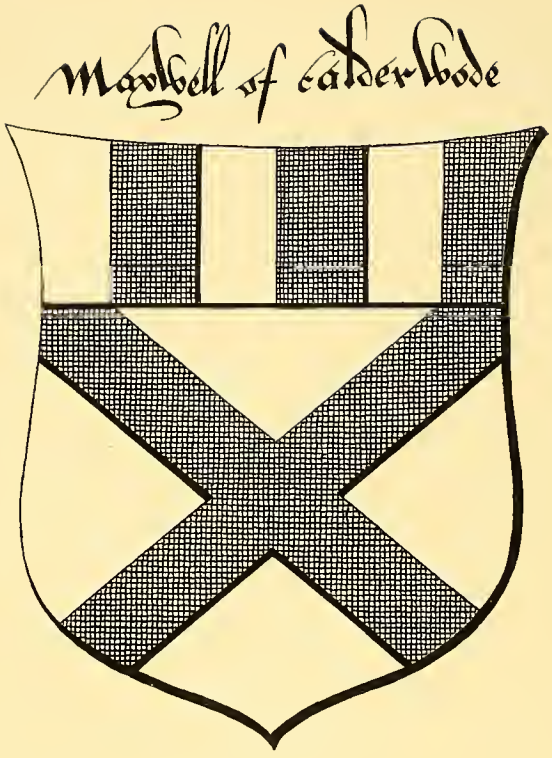
"The fall of this castle, which took place about sixty years ago, was attended with circumstances of so romantic a nature, that we think them deserving of record.

"There was a Dr. Baillie, a clergyman, father to the late Sir Mathew Baillie, physician in London, and who had been tutor to the then Sir William Maxwell and his two brothers, one of whom was father to the present General Sir William Maxwell, who had a villa in that neighbourhood, and was consequently a frequent visitor at the castle. One day, when at dinner with his wife, he said he had all forenoon felt an anxiety about Calderwood, as if some of the family were ill. Mrs.

[1] Vol. i. p. 139.

[2] Original Mensuration and Memorandum at Calderwood.

CALDERWOOD CASTLE



ARMS OF MAXWELL OF CALDERWOOD

FROM THE ORIGINAL IN THE HERALDIC M.S. FOL. 120 OF SIR DAVID LINDSAY

LYON KING OF ARMS AD. 1542

IN THE ADVOCATES LIBRARY EDINBURGH.

Baillie said there seemed no cause for such a supposition, and the conversation ended. At tea in the evening Dr. Baillie said, 'You know, Mrs. Baillie, that I am far from being superstitious, but it is strongly impressed upon my mind that some of that family is seriously ill.' Mrs. Baillie replied, that had that been the case, he might be sure they would have been informed of the circumstance; besides, he was down there four or five days before, when they were all in perfect health. At their supper Dr. Baillie again said, 'It does not signify, Mrs. Baillie; but I have taken an anxiety about that family that I can neither account for nor control, and I am certain some individual there is most seriously ill.' Mrs. Baillie desired him to order his horse to the door, and put his nightcap into his pocket, and ride down to the castle, though the family would be much surprised at a visit at so late an hour. Dr. Baillie arrived about eleven o'clock, when the family were just going to bed. His first question was, 'Is the family all well?' Lady Maxwell said they were all well, thank God, and was glad to see the Doctor, and ordered a bedroom to be prepared for him. He then explained the cause of so untimely a visit, and requested Sir William that he would order a servant with a couple of candles to go with him into the castle while his bedroom was preparing, as he wished to examine the east wall, where he perceived a slight rent when he was last there, and was desirous to see if any alteration had since taken place. It may be proper to say that all the house servants, and several of the farm servants, slept in the castle, and most of them had gone to bed. In about a quarter of an hour Dr. Baillie returned, and said he was certain the castle was going to fall, as the rent he had formerly noticed was considerably enlarged. The servants were all ordered to get out of bed and to join the family, who resided in a more modern building attached to the castle. At the top of the castle was a square tower, in which were deposited the archives and records of the family. These Sir William had conveyed away. The family then determined to sit up all night and see the result, when at half-past nine in the morning the whole of the east side of the castle went over with a tremendous crash. There was a range of stables below the castle, full of horses, but these were saved by the stables being arched, and were dug out of the ruins two days afterwards. Thus if it had not been for a providential interposition of Dr. Baillie, nine or ten persons would have been crushed to death."[1]

The ruins were soon converted into a modern mansion-house, which is surrounded by many natural beauties. Although so high above the river, the situation is low in relation to the surrounding country, and the view from the castle is somewhat limited. Yet it is a pleasant and healthy residence, and the scenery immediately around, in which a fine waterfall is a conspicuous feature, makes up for the want of a more extensive landscape.[2]

[1] Chambers' Edinburgh Journal, vol. ii., No. 8, 23d March 1833, where the above narrative is said to have been received from a descendant of the family.

[2] History of East Kilbride, etc. By David Ure, A.M. 8vo. Glasgow: David Niven, 1793, p. 155. In this work a tradition is given (p. 168) as to the estate of Calderwood having been possessed by a family of that surname for time immemorial. This family, at last, consisted of three sons and a daughter. The sons having unhappily quarrelled with the priest of the parish, and finding it not safe to remain any longer in Calderwood, fled for protection to the Earl of Cassillis, who gave them three separate farms—namely, Peacockbank and Moss-side, in the parish of Stewarton, and the Forty-acre lands in Kyle. These brothers had numerous families, which, in a short time, spread the name of Calderwood through the county. The sister, who was left in Kilbride, was married to a gentleman of the name of Maxwell, who got, by the marriage, the whole of her father's estate. If this story, which the author says he had from one of the descendants of the brother who settled in Peacockbank, is true, it is probable that Calderwood anciently belonged to a family bearing the name of the lands they possessed.

This, however, is one of those popular traditions in families which are more common than true.

In addition to the Castle of Calderwood, the Maxwell family had another residence at the Castle of Mauldslie, on the banks of the Clyde, in the parish of Carluke. This was acquired by Sir Robert Maxwell, the first of Calderwood, through his marriage with Elizabeth Danielston, and continued in his family till the year 1640, when Sir James Maxwell, the first baronet, through his own extravagance, was obliged to sell it.

Sir Robert Maxwell, First of Calderwood, 1400-1421,

Owing to his connexion, through his mother, Isabella Lindsay of Crawford, with the Royal Family of Stuart, was much at Court in the time of King Robert III. and Robert Duke of Albany,[1] and, through their interest, in the year 1402, he obtained in marriage Elizabeth, daughter and coheiress of Sir Robert Danielston of that ilk, the representative of the ancient family of that name in the barony of Renfrew. Sir Robert had large estates, and as his two daughters, Lady Maxwell and Lady Kilmaurs, were his sole heirs, he divided his property between them. The lands of Mauldslie, Finlayston, Stanley, Newark, and others, were thus added to the already extensive possessions of Robert Maxwell of Calderwood.

The honour of knighthood seems to have been conferred on Robert Maxwell about the time of his marriage. Previously to this, he is styled simply Robert Maxwell, and in the first notice of him after his marriage, he is styled Sir Robert Maxwell. On the 18th October 1405, he, as Sir Robert Maxwell, Lord of Calderwood, and Sir William Cunninghame, Lord of Kilmaurs, with consent of their respective sponses, Elizabeth and Margaret Danielston, made an agreement with Sir Duncan Earl of Lennox, concerning the lands of Auchincloch, and at the same time set to him in liferent the lands of Errachy More, Inchecallach, Achawle, and Inchefad, with all other isles thereto belonging within Lochlomond.[2]

Sir Robert Maxwell was held in high esteem at the Court of Scotland. The Regent, Robert

[1] This appears from Robert being witness to Royal Charters: Reg. Mag. Sig., p. 251; No. 18, p. 253; No. 21, p. 254; Nos. 23 and 24.

[2] Vol. i. p. 145. On 14th March 1417, Robert Maxwell of Calderwood, Knight, granted to Sir William of Ledale, a discharge of the wadset of the lands of Calderside, in the following terms:—Be it kennit tyl al men be the tenor of ther [present lettres, me] Robert of Maxuel of Caldorwod, Knycht, assigne in this case to my Lorde fadre, qwhylum Schir Johne of Maxuel, to hafe ressayuit and fullely had fra Schir Willeam of Ledale, sone and ayre to qwhylum Schir Johne of Ledale of Lochtillok, twenty pond of sufficiand monay of the Kynryk of Scotland, for the qwhilk some the sayde qwhylum Schir Johne of Ledale layde to wedde and wedesett to my Lorde fadre before wretyn, the lande of Caldorsyde, qwhylis this sayde some of twenty pond suld be payt tyl hym, his ayris or his assignes, in Caldorwod, apon a sainteandronis day, as contenit is in certanez euidentis betwex the saide Lordes made; of the qwhylk forsuth twenty pond, in name and for payment of the saide land of Caldorsyde wedesett, and als of the [as]sith and satisfactione of the termys the qwhilkis I suld hafe joysit eftre the gaityn oute of the sayde lande wedesett, I as assignet herto haldis me welc contentit and fullcli payt, and the sayde Schir Willcam of Ledale al hys the sayde land wedesett and al that tharto pertcignez for the saide some, and al [other] clame, I, for me and al other that it pertcignis or may perteigne to, relessis, acquitis, and quite clamys for euer mar, be the tenour of ther presentes lettres: Hereatour, I graunt and sickerly hechtis be ther saidez lettres to deliuer, or ger be deliuerit wyth all gudely haste tyl the sayde Schir Willeam of Ledale the lettre of assigne giffen to me of my Lorde qwhylum fader, apon the saide land weddesett, and all other euident and charter party thar apon made, but fraude and gyle. I wyll als, and I graunt that al tha euidentis and al other twechand this saide wedsettyn fra heyne furth be of na vertu, strenth, na pytht bot be now for nocht and of na valou for eucrmar. In wetnes of the qwhilk thing I hafe put my seel to ther [present lettres, at] Pertht, decimo quarto die mensis Marcij anno domini millesimo [cccc] et xvii.—[Original at Pollok.]

Duke of Albany, appointed him and Mr. Robert Lanyne, Provost of Saint Andrews, by commission dated at Falkland 26th May 1414, ambassadors to the Court of England, to treat for the release of his son, Murdoch Stewart, Knight;[1] and on the 28th of the same month he received a similar commission from the Regent, to treat with King Henry V. for the release of King James I., who had been many years detained a prisoner in England.[2] On the 12th May 1415, he was appointed by the Estates of the Kingdom again to go to the Court of England to treat of the liberation of Murdoch, son of Albany.[3]

Through the favour of the Court he was sent on these missions, and his own military genius and courage led Sir Robert Maxwell to seek foreign service. He was one of those Scottish veterans whom John Stewart Earl of Buchan, afterwards Constable of France, transported to France in 1420, to the aid of Charles VII., and whose valour turned the tide of victory in favour of the French. Sir Robert was mortally wounded soon after the landing of the expedition in France. He made his will at Chinon, on the 7th September 1420, and it was ratified on the 3d April 1421, before which he was in all probability dead. He was certainly dead before 6th May 1421, when his son John witnessed a charter, in which he is designated Dominus de Calderwood.[4] Sir Robert was buried in the church of the Friars Minors, in the city of Angers, in France, in a stately burial-place, with a raised image of his body, as directed by his will. This will is very formal, executed in the Latin language by a notary, who has fallen into several mistakes when dealing with Scotch persons and properties. Sir Robert left legacies to several persons, and amongst others to his wife, his eldest son, and his sister, "Lady Seer." To his wife he bequeathed a silver basin and ewer, six goblets, and six silver tassies or drinking-cups, which were in the village of Chinon, another covered silver cup, and nine ells of violet cloth, besides other articles. To his eldest son he left a silver basin and a ewer, with six goblets, three silver pots, and twelve tassies; and to his sister, "Lady Seer," he bequeathed three silver tassies. Sir Robert was not unmindful of his dependants. He charged his heir, as he valued his blessing, to see that Allan Hamilton and his wife wanted not necessaries for the whole period of their lives; and the little Nicolas Carlen, his page, he left to his eldest son, that he might give him living and clothing, and provide him with £10 for his marriage, when he arrived at manhood. He bequeathed to his cousin, John of Maxwell, a coat-of-mail which he used to wear, and made many other bequests, as may be seen from the will itself.[5]

Sir Robert Maxwell was twice married. His first wife was Elizabeth Danielston. The name and family of his second wife have not been ascertained, but that he contracted a second marriage appears from the indenture, dated 7th April 1416, between Sir Robert and James Stewart, Laird of Kilbride, for the marriage of George Stewart, son and heir of the latter, to Marion, daughter of Sir Robert and his first wife.[6] He had two sons and one daughter.

1. John, who succeeded him.

2. Patrick, who received a Crown charter of the one-half of the lands of Stanley, part of the Dennistoun estates of his mother, on the resignation of Sir John Maxwell of Calderwood, dated 16th of August 1473;[7] and on the 15th November following, witnessed a charter, in which he is styled brother-german of Sir John.[8] Patrick Maxwell appears to have died without issue, as the

[1] Copy Commission at Calderwood.
[2] Commission in Cottonian Library.
[3] Rymer's Fœdera, vol. ix. p. 244.
[4] Haddington's Collections, vol. i. p. 6.
[5] Vol. i. p. 151.
[6] Vol. i. p. 148.
[7] Reg. Mag. Sig. lib. 7, No. 66.
[8] *Ibid.*, No. 74.

lands and barony of Stanley soon after became the patrimony of Archibald Maxwell, younger son of George Maxwell, nephew of this Patrick, and first of Newark. The Maxwells of Stanley continued a family of importance till the year 1629, when John Maxwell of Stanley, with consent of his wife, Janet Crawford of Fernie, and John, his eldest son, sold Stanley to dame Jean Hamilton, Lady Ross.[1]

3. Marion, who was contracted in marriage to George Stewart, son and heir of James Stewart of Kilbride, by the indenture of 7th April 1416, already mentioned. James Stewart became bound to infeft George and Marion, and the heirs of their marriage, in his barony of Kilbryde; and failing such heirs, the barony to go to the eldest of the sons of James, who should be his heir, and a daughter of the said Sir Robert, who should be married in like manner; and failing the sons of James, the barony to go to his eldest daughter, who should be married to a son of Sir Robert.[2]

II.—Sir John Maxwell, Second of Calderwood, 1421-1476,

Succeeded to his father before the 6th of May 1421, on which date, as we have seen, he, under the designation of Dominus de Calderwood, witnessed a charter. At this time he was still a minor, and his uncle, William Maxwell of Aikenhead, acted as his tutor-at-law, as appears from a document regarding the lands of Dripps, part of the estate of Calderwood.[3]

Besides inheriting the estates of his father, Sir John inherited many of his virtues and much of his ability, and he was at a very early age intrusted with State business of great importance. Like his father, he was, in the year 1423, appointed by the Scottish Government one of their Commissioners to the Court of England, to treat for the release of King James I., who had then been a prisoner in England for about eighteen years. Sir John was very desirous for the restoration of his own Sovereign to his Scottish throne, and earnestly pressed his wishes upon the Regent Albany. The business was successfully accomplished, and in the end of the year, King James and

[1] Crawford's Renfrewshire, Robertson's edition, p. 89.

[2] Vol. i. p. 148.

[3] In Dei nomine amen: Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno ab Incarnacione Domini millesimo cccc^mo xxii° indictione xv^a pontificatus sanctissimi in Christo patris ac Domini nostri, domini Martini diuina prouidencia pape quinti anno quinto; in mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis vir Herbardus de Maxwel dominus de Carlauero in consilio generali tento apud Strevelyng xxix° die mensis Julii anno Domini millesimo cccc^mo xxii°, peciit terras suas de Nethir Dryppis ad plegium alias per dominum gubernatorem Scocie recognitas: Et in continenti Willelmus de Maxwel tutor legittimus heredis quondam domini Roberti de Maxwel, domini de Caldorwode, manifestauit coram dicto domino gubernatore et suo dicto consilio, quod cognouit dictum Herbardum dominum suum superiorem dictarum terrarum de Nethirdryppis: Tunc predictus dominus gubernator ex deliberacione dicti consilii dedit predictas terras de Nethirdryppis cum pertinenciis ad plegium predicto Herbardo, prout in hoc casu postulat ordo iuris: de quibus quidem manifestatione et ad plegium dacione predictus Herberdus pecijt a me notario publico sibi fieri publicum instrumentum: Acta erant hec in dicto generali consilio in domo mansionis vicarii de Strevelyng; presentibus excellente principe Waltero Senescallo de Fyf, Leuenax et Menteth, reuerendis in Christo patribus, dominis episcopo Sanctiandree, episcopo Glasguensi Cancellario Scocie, episcopo Dunblancnsi, magnificis dominis, dominis Duncano comite de Leuenax, Alexandro comite de Marr, Duncano Cambel, domino de Ergevil, domino Willelmo domino de Grame, domino Roberto domino de Erskyne pluribusque aliis ad premissa testibus vocatis specialiter et rogatis.

Et ego Willelmus de Cranystoun clericus Sanctiandree dioccesis, etc.

[Original in Mearns charter-chest at Ardgowan.] On 5th February 1423, Sir John Maxwell granted a charter to his uncle, William Maxwell, which was confirmed by Crown charter, dated 26th July 1424.—[Reg. Mag. Sig. lib. 2, No. 4.]

NEWARK CASTLE
ON THE CLYDE

STANLEY CASTLE

RENFREWSHIRE

DARGAVEL HOUSE

RENFREWSHIRE

ARMORIAL STONE OF THE MAXWELLS

AT DARCAVEL

his Queen, Lady Joanna Beaufort, daughter of the Earl of Somerset, were accompanied to Berwick by a large train of English noblemen and ladies on their way to Scotland. The King and Queen were crowned at Scone on the 21st May 1424, and later in that year Sir John Maxwell returned to England as one of the hostages for the payment of the King's ransom,[1] accounting it an honour to be instrumental in procuring the liberty of his Sovereign even by his own captivity. Fortunately his captivity was not of long duration; he soon regained his liberty in exchange for an English prisoner in Scotland.

Being an accomplished knight, and of good address, Sir John was one of those chosen to accompany the Princess Margaret, the eldest daughter of King James I., when she went to France to be espoused by the Dauphin, afterwards Louis XI. They sailed on the 20th June 1435, under command of the Earl of Orkney, Admiral of Scotland, who had forty-six ships in readiness to transport the Princess and her train, which consisted of sixteen noblemen and gentlemen, including Sir John Maxwell of Calderwood, and "one hundred and forty ladies and young gentlewomen."[2]

Again, on the 8th June 1454, Sir John Maxwell was chosen as one of the ambassadors extraordinary to England to treat of a peace between the two countries, and the object of this embassy was also happily attained.[3]

In addition to these important missions abroad, Sir John Maxwell, especially during the latter part of his life, was also much occupied with public business in his own country. He sat in the Parliament of King James II. in 1456, and was one of the barons appointed by that Parliament on 19th October, along with the Lord Abernethy and Sir Robert Livingston, for themselves and the other barons, to administer justice and decide complaints. As Baron of Calderwood, he also sat in the Parliament of King James III., in the years 1467, 1468 and 1469.[4]

Between the years 1450 and 1476, in which last he died, Sir John received Crown charters of the lands of Newark, Stanley, and others, and he also granted several charters which were confirmed by the Crown.[5]

Sir John Maxwell married, first, Margaret, daughter of William second Lord Borthwick, by whom he had one son and two daughters. She predeceased Sir John. He married, secondly, Margaret Rutherford, by whom he had one son, George. Margaret Rutherford survived Sir John. On 9th October 1478, Sir John Maxwell of Calderwood, and Gavin his son, settled various matters with Margaret Lady Calderwood and her son George. And again, on 27th June 1492, Margaret Rutherford, spouse of the late John Maxwell of Calderwood, Knight, made arrangements with Elizabeth Lowis, spouse of the late Gavin Maxwell, and Robert Maxwell, heritor of the estate of Calderwood, concerning her terce. Sir John died in the end of the year 1476, in the 73d year of his age, leaving two sons and two daughters:—

1. John, who succeeded his father.

2. George, ancestor of the Maxwells of Newark, from which house are descended the Maxwells of Tealing, Cowhill, Blackston, and others.

3. Mariota, who married Robert first Lord Boyd, Lord High Chamberlain of Scotland, and was by him mother of the first Earl of Arran and of Elizabeth Countess of Angus.

[1] Rymer's Fœdera, vol. x. p. 309; Balfour's Annals, vol. i. pp. 152, 153.

[2] Balfour's Annals, vol. i. p. 163.

[3] Rymer, vol. xi. p. 349.

[4] Acts of Parliament, vol. ii. pp. 46, 88, 89, 91, 93. Acta Auditorum, p. 8.

[5] Reg. Mag. Sig. lib. 4, No. 129; also vol. i. 176.

4. Elizabeth, who, as daughter of Sir John Maxwell and Margaret Borthwick, received a charter from him of the barony of Hilton, etc. to her marriage, and for her life, dated 1st February 1463. This charter was confirmed by the Crown on 19th January 1477.[1]

III.—Sir John Maxwell, Third of Calderwood, 1476-1491,

Succeeded his father in the year 1476 in the estate of Calderwood, and in the barony of Mauldslie. Like his father and grandfather, Sir John was possessed of considerable abilities ; and he was by King James III. appointed one of the Lords for the administration of justice, called Itinerant Judges. On the 6th April 1481, Sir John granted to his eldest son, Gavin Maxwell, a charter of the lands of Dripps, under reservation of the terce of Marion Boyd, wife of Sir John. He also granted to him, on 14th February 1486, other two charters, the one of the lands of Jackton, Allartoun, and Newlands ; and the other of the lands of Mauldslie.[2] In both of these charters Sir John reserves the terce of his wife whomsoever, which indicates that his first wife, Marion Boyd, had died since the date of the previous charter in 1481. During his father's life he married this Marion, who was daughter of Sir Thomas Boyd of Kilmarnock, father of the first Lord Boyd, and ancestor of the Earls of Kilmarnock. This marriage had probably taken place in 1454, and before the 20th of July of that year, when Sir John, the father, granted to his son, and Marion Boyd, his spouse, a charter of the lands of Park and Kincadzowlaw.[3] Although the marriage took place in 1454, it appears from the inventory of the Boyd writs, that a marriage was arranged between the families as early as the year 1435. The inventory contains this entry :— " Item, Oblisement of Thomas Boyd of Kilmarnock to John Maxwell Lord Calderwood, for 550 merks of tocher with his daughter to my Lord Calderwood's son and heir, 1 March 1435." The remains of this original " oblisement" have been found among the Boyd writs, and, so far as it can be deciphered, it runs as follows :—

" Be it kend til al men by thir presentez lettrez, me, Thomas Boyd of Kilmernok, til be oblist and by thir presentz littrez oblissis me, myne airis, executouris, and assigneis, til ane honorablez man, Johne of Maxwel Lord of Caldorwod, his airis, executouris, and assigneis, in fif hundre and fifty marke of gud and vsual money of the kyurik of Scotland, be caus of mariage of his son and aire, and my docthir to be mad, to be payit to the said Johne of Maxwell, his airis, executouris, and assigneis, apon the hee altare of the pariche kyrk of Kilbrid in Clidisdayll, at thir termis wudrew[ritti]n, that is to say, a hundredth li. in hand at the makynd of this presentz wirte, and fifty mark at [the fei]st of Witsiuday nexte eftre folowand, and fifty mark at the fest of Sainte Martyne in wyntre nexte eftre folowand, and sua fra terme in terme, and zhere in zhere, quhill the forsaid some of fife hundredth mark and fifty be fullili payit and contente, but fraude or gile, or any langere delay : And gif it hapynnys me to falzhe in the forsaid payment makyng in [ ] parte at day and place as is beforsaid, as God forbed it do, I obliss me, myne airis, exec[utouris and] assigneis, and al oure landis, reutis, gudis, and possessiouis, mouablez and vnmouablez, quhar euer [tha may] be fundyne to be distrenzit, pundite, tane and away had but lef of ony judge, lerid, or [ ] and at the wil of the forsaid Johne, his airis, executouris, and assigneis, to be sauld and[4] [rest decayed].

After having possessed Calderwood and Mauldslie for about fifteen years, Sir John Maxwell died about the end of the year 1491. He was living on the 20th of February of that year, as appears from a decreet of the Lords Auditors.[5] A few years previously he propelled the succession

[1] Reg. Mag. Sig. lib. 8, No. 87.
[2] Vol. i. pp. 192-196.
[3] Vol. i. p. 176.
[4] Original in Boyd charter-chest at Kilmarnock.
[5] Acta Auditorum, p. 168.

to his estates in favour of his son Gavin, who predeceased him by a few years. Sir John Maxwell and Marion Boyd are stated to have had four sons, all of whose names are nnknown, except that of Gavin.

IV.—Sir Gavin Maxwell, Fourth of Calderwood, 1481-1489,

To whom his father propelled the snccession to his estates in his own lifetime by the charters stated in the memoir of his father,[1] which were confirmed by the Crown on 12th April 1487.[2] Sir Gavin did not long enjoy the family estates, having predeceased his father within a few years after obtaining them, and before 19th February 1489. He was twice married, first to Agnes, daughter of "Duncan of Dundas," and secondly, to Elizabeth Lowys, who survived him. On the 19th February 1489, Elizabeth, as his relict, along with Duncan Dundas, father of Agnes, his first wife, obtained a transumpt of nine of the old family charters, which were in Dnncan's custody, and of which Elizabeth also wished to possess anthentic copies for the benefit of her children.[3] Though these charters only name Robert, it appears from them that Sir Gavin had several children. These were—

1. Robert, by the first marriage, who succeeded his father.

2. William, apparently of the second marriage, designated of Newlands. He afterwards acqnired the lands of Meldrum; and from him, it is understood, are descended the Maxwells of Cardoness, in the Stewartry of Kirkcudbright, an account of whom is given in Burke's Baronetage.[4]

3. Isabella, married to Robert Porterfield of that Ilk. By a Crown charter, dated 16th December 1500, the lands of Porterfield were confirmed to Robert Porterfield, son of John Porterfield of that Ilk, and Isabella Maxwell, his spouse; and "this Isabella Maxwell, as hath been constantly believed, was a daughter of the family of Calderwood."[5]

V.—Sir Robert Maxwell, Fifth of Calderwood, 1489-1510,

Succeeded his father, about the year 1489, and in the lifetime of his grandfather. He was infeft in the lands of Mauldslie as heir of his father, Gavin Maxwell, Knight, on the 8th July 1493.[6] These lands were confirmed to him and his wife, Sibilla Carmichael, by a charter under the Great Seal, dated 25th October following.[7] Robert Maxwell appears to have been knighted soon after his succession to Calderwood, as in a decreet by the Lords Auditors, dated 22d Jnne 1493, he is designated knight.[8] Sir Robert was served heir to his father, Gavin Maxwell of Calderwood, Knight, in the lands of Thombowe in Dumbartonshire, on the 16th Jannary 1497.[9] The retonr bears that the lands had been in non-entry for six years and seven months, through the death of Sir Gavin. In February 1506, he witnessed a resignation of lands at Lanark by John Johnston of Petinyn to Andrew Liderdale, Abbot of Dryburgh.[10] Like his father, this laird of Calderwood was

[1] Vol. i. pp. 192-196.

[2] Reg. Mag. Sig. lib. 10, Nos. 107 and 108.

[3] Vol. i. p. 200. In this transumpt, Gavin is styled Sir Gavin Maxwell, Knight. He mnst have heen knighted a very short time hefore his death.

[4] The late Sir David Maxwell of Cardoness was remarkahle for his politeness. An instance of this occurred when he and one of his tenants were litigants in a law court. The tenant lost his temper, and rudely called his landlord a "sweengler," upon which Sir David calmly informed his accuser that the word should be pronounced "swindler."

[5] MS. account of the family of Porterfield.

[6] Vol. i. p. 205. The sasine hears that Robert was enclosed in the principal messuage of Mauldslie, and tbe door shut on him according to use.

[7] Reg. Mag. Sig. lib. 13, No. 104.

[8] Acta Auditorum, p. 182.

[9] Vol. i. p. 218.

[10] Liber de Dryburgh, p. xix.

not long in possession of the estate of Calderwood, and there are not many notices of his personal history. He appears to have taken part in some of those family feuds frequent in his time. On the 6th August 1509, James, Archbishop of Glasgow, constituted Andrew Lord Gray Justiciar of the Regality of Glasgow, for holding a court in the hall of the burgh of Edinburgh for trying Robert Maxwell of Calderwood, and others, his accomplices, for the slaughter of the late George Hamilton in the city of Glasgow.[1]

Sir Robert Maxwell died about the year 1510, as appears from the retour of the service of Robert Maxwell, his son, expede on 15th May 1518, in which it is stated that the lands had been in non-entry through the death of Robert Maxwell, his father, for the space of eight years or thereby.[2]

Robert Maxwell, fifth of Calderwood, married, before 1493, Sibilla Carmichael, daughter of Carmichael of that Ilk, ancestor of the Earl of Hyndford. Sibilla survived him, and married, secondly, before 19th October 1529, James Hoppringle. By Sir Robert she had two sons,

1. Robert, who succeeded his father.
2. Alexander, first of Newlands, in the barony of Kilbride, who died before 6th September 1571, when his son William was laird of Newlands. Alexander was father of

I. William Maxwell, second of Newlands, who married Elspeth Hamilton. She died on 27th February 1574, as appears from the confirmation of her will by the Commissaries of Edinburgh on 8th December 1582. William Maxwell was alive in 1617. He and Elspeth Hamilton had two sons and three daughters, viz. :—

1. John, third of Newlands.
2. Robert, mentioned in his mother's will.
3, 4, 5. Katherine, Helen, and Christian, also mentioned in their mother's will.

John Maxwell, third of Newlands, married, about 1601, Marjory Ross. Their eldest son was Robert Maxwell, fourth of Newlands. He married Elizabeth, daughter of John Allasson, in Cartsbrig. Their contract of marriage is dated the 8th and 11th days of August 1617, and Sir James Maxwell of Calderwood of new ratifies his former conveyances of Newlands and Jakton in favour of Robert Maxwell and his future spouse. There is reserved to William Maxwell his liferent of Newlands, and also to Marjory Ross, spouse of his son John, the liferent of the half of these lands. In terms of this contract, Sir James Maxwell granted, on 8th August 1617, a charter of Newlands and Jakton in favour of Robert Maxwell and Elizabeth Allasson, his future spouse.[3]

In the year 1655, Robert Maxwell of Newlands raised an action of declarator and exhibition against Sir James Maxwell of Calderwood and others, in reference to the right of Robert Maxwell to the estate of Calderwood. The summons bears that Robert Maxwell of Newlands is heir-male and of line, served and retoured to umquhile Alexander Maxwell, his grandschir (great-grandfather), who was brother-german to umquhile Robert Maxwell of Calderwood, quhilk umquhile Robert was father to umquhile John Maxwell of Calderwood, quhilk umquhile John was father to umquhile Sir James Maxwell of Calderwood.[4] The retour of service here referred to was expede on 11th August 1655.[5]

It has been said that the children of this Robert Maxwell of Newlands went to Ireland, and this may be correct; but it is also said that this Robert himself went to Ireland, and was the ancestor of Lord Farnham. This is a mistake. The ancestor of his lordship was another Robert Maxwell, younger brother of Sir James Maxwell of Calderwood, as afterwards shown, p. 471.

[1] Registrum Episcopatus Glasguensis, p. 521.

[2] Vol. i. p. 234.

[3] Original Contract and copy charter, both at Calderwood.

[4] Original citations on summons to Sir James Maxwell, at Calderwood.

[5] Retours in Chancery, vol. xxiii. 103.

VI.—Robert Maxwell, Sixth of Calderwood, 1510-1540,

Succeeded to Calderwood about the year 1510, being then in minority. King James IV. made a gift to Jane Carmichael of the marriage of Robert Maxwell, son and heir of the late Robert Maxwell of Calderwood, dated 18th February 1511.[1] Robert Maxwell was afterwards, on the 15th of May 1518, served heir to his father, Robert Maxwell, in the lands of Jacktoun, Allertoun, Newlands, Greenhills, and Taits-Thornton, in Lanarkshire ;[2] and on the 16th March 1523, he granted to Thomas Colquhoun of Kirktoun a charter of the lands of Taits-Thorntoun, which was confirmed by a charter under the Great Seal on the 6th June 1529.[3] On the 25th February 1524, and 20th November 1526, Robert Maxwell and Isabella Elphinstone, his spouse, received confirmations in Parliament of certain lands in the lordship of Stewarton, as contained in charters by the King, dated 15th January 1524.[4] And on the 15th August 1530, King James V. granted to Robert Maxwell of Calderwood and Isabella Elphinstone, his spouse, a charter of the lands of Chapeltoun, Bellingshaw, Drying, Miltoun of Crerauch, and others.[5] Isabella Elphinstone was eldest daughter of Alexander, first Lord Elphinstoue, and relict of David Lindsay of Dunrod. Robert Maxwell, sixth of Calderwood, died in 1540, and his wife seems to have predeceased him, as no after notice of her is found amongst the family papers. They had two sons and one daughter.

1. Robert, succeeded his father.
2. John, succeeded his brother.
3. Elizabeth, married, contract dated 31st August 1563, Robert Lindsay of Dunrod.[6]

VII.—1. Robert Maxwell, Seventh of Calderwood, 1540-1547,

Succeeded his father in 1540, and was served heir to him in the lands of Jakton, Allerton, Newlands, Greenhills, and Taits-Thornton, in the barony of Kilbride. The retour of this service has not been fonnd, but it is narrated in the Crown precept which followed upon it for infefting Robert Maxwell, then of Calderwood, as heir to his father, dated 20th October 1540. Robert was infeft on the 26th of the same month.[7]

This Laird of Calderwood, along with many noblemen and barons, in the meeting of Parliament held by Queen Mary and Arran, her Regent, at Stirling, on 26th June 1545, signed an act that they should be ready at the uttermost of their power to defend the nation, as the time should be thought expedient to the Regent and Council of the realm, againist the old enemy of England, and to invade the realm of England as often as the occasion of time should occur, and be thought necessary and profitable.[8] Robert Maxwell only possessed Calderwood for about seven years, having died, apparently unmarried, and certainly without issue, about the 6th September 1547, as appears from the retour of the service of his brother John Maxwell as nearest heir to him in the lands of Newlands and others, to be immediately quoted.

[1] Register of Privy Seal, vol. iv. p. 173.
[2] Vol. i. p. 234.
[3] Original Charter at Calderwood.
[4] Aets of Parliament, vol. ii. pp. 291-311.
[5] Reg. Mag. Sig. lib. 24, No. 26.
[6] General Register of Deeds in Court of Session, vol. vii. p. 112. Another daughter of Robert, sixth of Calderwood, was probably married to John Hamilton of Orbiston. [Quarterings of John Dundas of Duddingston, *penes* the Rev. John Hamilton Gray.]
[7] Original Instrument of Sasine at Calderwood.
[8] Aets of Parliament, vol. ii. pp. 594-5.

VII.—2. John Maxwell, Eighth of Calderwood, 1547-1572,

Succeeded his brother Robert in September 1547, and was served nearest and lawful heir to him in the lands of Jackton, Allerton, Newlands, Greenhills, and Taits-Thornton, on the 6th October 1548. The retour bears that Robert Maxwell died about a year and a month before that date.[1] On the 29th of the following month, John Maxwell made resignation of these lands in the hands of the Regent Arran, in his chamber in Edinburgh, as in the hands of Queen Mary as Princess and Steward of Scotland, for a regrant thereof to him and Elizabeth Hamilton, his spouse, in conjunct infeftment, and the heirs of their marriage. The charter of regrant by Queen Mary actually anticipated this resignation, having passed the Great Seal three days previously. The grantees were infeft on 24th December following.[2] On the 30th May 1553, Queen Mary granted to John Maxwell of Calderwood and his wife, Elizabeth Hamilton, in liferent, and to their son, James Maxwell, in fee, two charters of the lands and baronies of Calderwood and Mauldslie; and the grantees were infeft on the 6th of October following.[3]

On the 18th March 1558, John Maxwell was served nearest and lawful heir of his father, Robert Maxwell, in the lands of Little Dripps.[4] This retour bears that the lands were held of Alexander, Earl of Glencairn, as superior for the annual payment of one penny, if asked, and forty shilling Scots, to the chapel of Saint Mungo, called Little Saint Mungo's, beyond the mill burn; and also that the lands had been in non-entry for the space of forty days through the death of Janet Cuninghame, Lady of Buchanan, liferenter of the same. On the 10th August 1559, Francis and Mary, King and Queen of Scotland, granted a precept of sasine in favour of John Maxwell, as heir of his father, Robert Maxwell, in the half of the lands of Blackburn, with the mill, in the barony of Bathgate.[5] Again, on the 15th May 1564, John Lord Maxwell granted a precept of *clare constat* in favour of John Maxwell of Calderwood, as heir served and retoured of his brother, Robert Maxwell, in the lands of Meikle Dripps;[6] and on the 27th June 1569, John Maxwell of Calderwood granted a procuratory for resigning his lands of Jackton, Allerton, Newlands, and others, in favour of his eldest son, James Maxwell of Calderwood, and the lands were resigned in the hands of the Regent Lennox in his chamber at Leith on 1st August 1571.[7]

This laird of Calderwood was a zealous advocate of the Reformed religion, and a firm supporter of the civil and religious liberties of Scotland. On the 27th April 1560, he subscribed a bond of association for maintaining the free exercise of religion and the liberties of the realm, and for expelling the French therefrom. He also sat in Parliament on 17th August 1560, when the Confession of Faith was ratified and approved of.[8] He was at the same time a staunch adherent of Queen Mary, and in May 1568, with many of the nobility and gentry attached to her interests, entered into a bond of association for the defence of her rights, which they signed at Hamilton. A copy of this bond is said to be preserved amongst the family papers.[9]

[1] Contemporary-extract retour at Calderwood.

[2] Original Charter and instrument of resignation and sasine at Calderwood.

[3] Original Charters and instrument of sasine at Calderwood; and Reg. Mag. Sig. lib. 31, Nos. 161, 162.

[4] Vol. i. p. 295.

[5] Original Precept at Calderwood.

[6] Original Receipt, *ibid.*

[7] Original Instrument containing the procuratory at Calderwood.

[8] Acts of Parliament, vol. ii. p. 526. In the sederunt of this Parliament his name is erroneously entered as Robert; a mistake caused probably by their having been three lairds named Robert, immediately before this John.

[9] MS. account of the Calderwood family.

John Maxwell married, first, Elizabeth, eldest daughter of Alexander Hamilton of Innerwick, by whom he had two sons; and secondly, Elizabeth, daughter of Sir Robert Stewart of Minto, without issue. John Maxwell is presumed to have died soon after 28th July 1572. His two sons were—

1. James, who succeeded his father.

2. Robert, who is mentioned as brother-german of Sir James Maxwell of Calderwood in a deed, dated 26th December 1591.[1] In this deed, Susan Armstrong is also mentioned as the wife of Robert Maxwell. He is also said to have married Isabella, daughter of Seton of Lathrisk, in the county of Fife, and to have had issue by her three sons and a daughter. In the reign of King James VI., Robert Maxwell went to Ireland, and his descendants rose to distinction in the Church and State, and in the peerage, being successively created Barons, Viscounts, and Earls of Farnham. An account of this Robert Maxwell and his descendants is given in Lodge's Peerage of Ireland, Archdall's edition, in 1789, vol. iii. p. 386; also in Sir Bernard Burke's Annual Peerage and Baronetage.[2] A pedigree of the Farnham family is also given after the Charters in this volume.

The present representative of this family is the Right Honourable Henry Maxwell, seventh Lord Farnham, K.P., in the Peerage of Ireland, a nobleman of whom the Calderwood family, and all of the name of Maxwell, have good reason to be proud. After the present Baronet of Calderwood and his only brother and only nephew, Lord Farnham appears to be the next heir-male of the Calderwood family.

VIII.—Sir James Maxwell, Ninth of Calderwood, 1572-1622.

Fully ten years before the death of his father in 1572, this laird was put in possession of the estates of Calderwood and Mauldslie, which he possessed for the long period of upwards of half a century. He appears to have devoted himself chiefly to the management of his estates, and to the care of his large family of sons and daughters. There are comparatively few notices of him in connexion with public business.

Between the years 1561 and 1611, Sir James granted and received charters and other writs connected with Calderwood, as appears from the original writs still preserved there.

In the year 1590, he was one of the barons appointed for the county of Renfrew to see the laws put in execution for the apprehension of Jesuits and seminary priests. And in the year 1607, he was appointed Sheriff-depute of Lanarkshire, by James Earl of Arran, Sheriff-principal.[3]

[1] Register of Deeds in Court of Session, vol. xxxix. p. 217.

[2] In Mr. Archdall's account of the family of Farnham, it is said that their ancestor, Robert Maxwell, who went from Scotland to Ireland, got from his father the lands of Newlands. But this is a mistake. Newlands was then in possession of another Robert Maxwell, who married Elizabeth Allassoun, as shown in the account of Alexander Maxwell of Newlands, younger son of Sir Robert Maxwell, fifth of Calderwood.—*Supra*, p. 468. Barry Maxwell, Earl Farnham, and Baron Maxwell, and his brother, Henry Maxwell, Bishop of Meath, are included in the destination of the estate of Cardoness, made by David Maxwell on 29th February 1796, on account of their being descended, as the Cardoness family are, from Calderwood. Lord Farnham has in his library at Farnham a large and valuable collection of genealogical works. He printed in 1860, the "Farnham Descents from Henry III. and the subsequent Kings of England, in three parts:" Cavan: T. J. Smyth.

[3] Original Commission at Calderwood.

When his chief, John Lord Maxwell, was brought to the scaffold on 21st May 1613, for the slaughter of the Laird of Johnstone in 1608, the Lairds of Pollok and Calderwood performed the painful duty of attending his lordship in his last moments. Lord Maxwell, in his dying speech, craved pardon of Pollok and Calderwood, and his other friends present, acknowledging that whereas he was born to have been author of their honour and safety, he had procured to them harm and discredit.[1]

On 28th July 1572, Sir James Maxwell, with about fifty other persons, including his son James, was "delatit for arte and pairt of the slauchteris and murthour of vmquhile the King and twa Regentis." Sir James found his son James pledge for his appearance to the extent of £1000, while James his son found Sir James Hamilton pledge for his appearance to the extent of £2000.[2] Nothing further appears to have followed on this "dilation."

Unfortunately for Sir James, this was not his only appearance in the Criminal Court, and he did not get off so easily on the second occasion. There was a feud between him and his cousins, the Lindsays of Dunrod, on the one side, and Alexander Lekkie of that ilk, on the other side, which led to the murder of the latter in the year 1601. He was shot by Alexander Lindsay of Dunrod, out of the window of a farm-house of his own, at Hagton Hill, near Glasgow. The perpetrator of this crime remained undiscovered for twenty years after the death of Lekkie, when Dunrod, then become an old man, confessed the whole affair, and Sir James Maxwell and his allies were indicted at the instance of the widow and son of the deceased Laird of Lekkie, before the Court of Justiciary, on 15th December 1620. The proceedings were postponed on several occasions, pending the intercession of mutual friends—"noblemen, barones, and gentilmen" who were endeavouring to bring the unhappy feud of so long continuance betwixt the two houses to terms of agreement and reconciliation.

King James VI., by a letter dated from Greenwich, 1st June 1622, granted a respite for the trial of the accused persons till the 5th of October following; and by a second letter from Windsor, on 7th August 1622, ordered the Justice and Justice-Clerk not to proceed in the criminal prosecution till they understood from the Council that they have given up all further dealing in that matter.[3] Sir James's death, in September 1622, put an end to the proceedings against him.[4]

Sir James Maxwell was three times married, and had five sons and twelve daughters. His first wife, to whom he was married before 28th January 1572, was Helen, daughter of John

[1] MS. speech in Advocates' Library, A. 2. 41. King James VI., in a letter, dated at Whythall on 14th November 1608, to the Earl of Dumfermline, Chancellor, mentions the "late filthie murthour" of Sir James Johnston of Dunskally, Knight.—[Original Letter in Annandale Charter-chest at Raehills.] Sir James Johnston was shot in the back by Lord Maxwell.—[Copy Deposition of Sir Robert Maxwell of Spotts, 28th April 1608, at Yair.]

[2] Pitcairn's Criminal Trials, vol. i. p. 36.

[3] Pitcairn's Criminal Trials, vol. iii. p. 493, *et seq.* It appears from that work that Sir James was one of the inquest on the trial, in 1600, of James Tarbat, writer, and others, for forging a charter of the lands of Pitcalzean, etc., bearing to be dated 20th March 1575. The forgery took place in "Kait Thomas' taverne at the drynking of ane pynt of vyne." Tarbat was sentenced to be hanged on a gibbet beside the Market Cross of Edinburgh.—[Pitcairn's Criminal Trials, vol. ii. p. 104-5.]

[4] Dunrod himself was ruined. His estate was sold, and he was reduced to begging his bread from his former tenants, in one of whose barns he died. A sad reverse for so proud a baron. He is said at one time never to have gone from home without a retinue of twelve vassals mounted on white steeds.—[Lives of the Lindsays, vol. ii. pp. 290, 291.]

Porterfield of that Ilk, by whom he had two daughters, Jean and Isobel Maxwell. With regard to this marriage, it is stated in the account of the Porterfield family—"The next is Marion" [Helen] "afterwards Lady Calderwood. I find no document at what time she was married, or what her portion was, but have heard the oldest people report it was a thing unquestionable that the young Laird of Calderwood, during his abode at the house of Duchall, as was customary in these times, planted a grove of oaks, which have been several times cut since that time, and remain straight, thriving timber at this present time. She had several children to Calderwood, and also that the said Marion [Helen] Lady Calderwood is called a daughter of Mr. John Porterfield of that Ilk, in an instrument of requisition, under the hands of John Vanse, Notary Public, anno 1586."[1]

Helen Porterfield, Lady Calderwood, died in August 1573, as appears from the confirmation of her will, already mentioned.

Sir James Maxwell married, secondly, Isabel, daughter of Alexander Hamilton of Innerwick, and by her he had three sons and seven daughters. In implement of his contract of marriage, which is dated 12th February 1579, Sir James granted to Isabella, and the heirs of the marriage, a charter of the lands of Dripps, dated 26th March 1580,[2] and this was confirmed by John Lord Maxwell, the superior, on 1st May following.

Sir James married, thirdly, on 8th September 1610, Lady Margaret Cuninghame, third daughter of James Earl of Glencairn, relict of Sir James Hamilton of Evandale, and sister of Lady Anne Cuninghame, Marchioness of Hamilton. Sir James Maxwell and Lady Margaret Cuninghame had two sons and four daughters. She survived her husband, and died before the year 1632. Sir James died in September 1622, as appears from the retour of the service of his eldest son, as heir to him. Shortly after his death, his relict, Lady Margaret Cuninghame, made a will, which was addressed to her sister, Lady Anne Cuninghame, Marchioness of Hamilton. This will is printed at the end of the account of the children of Sir James Maxwell. It appears from a Memoir written by Lady Margaret Cuninghame, that she led a very unhappy life with her first husband, "the Master of Evandale," as he is styled. The eldest daughter of that marriage, Jean Hamilton, was married to Sir James Maxwell, son of Sir James. The mother and daughter were thus married to father and son. The four sons of Sir James were—

1. Edward, eldest son of his second marriage, succeeded his father.

2. James, second son of that marriage, succeeded his brother.

3. William, third and youngest son of the second marriage. As shown in the memoir of his brother Edward, William is a party to the marriage-contract of his brother, Sir James and Jean Hamilton, dated in 1619; and in the procuratory of resignation by Edward, following out that contract, dated 14th December 1622, William is called the youngest son of Sir James. As brother-german of Sir James Maxwell of Calderwood, William Maxwell granted a bond for 250 merks on the 9th August 1627.[3] William Maxwell died without male issue. This is proved by the special service, on 15th April 1830, of General Sir William Maxwell of Calderwood as heir-male to Sir James Maxwell, first baronet of Calderwood, through Colonel John Maxwell, who was a younger brother of William, in the common of Kilbryde.[4]

[1] Copy Account of the Porterfield family, formerly belonging to J. C. Porterfield, Esq. of Duchal.

[2] Original Charter at Calderwood.

[3] Original Bond at Calderwood.

[4] Original Extract Service, *ibid.*

4. John, eldest son of the third marriage. He was born about the year 1611, as in a discharge granted by him on 6th November 1632, he states that he was then of the age of twenty-one years.[1] He entered the army, and attained the rank of colonel. He displayed great ability in his profession, and was a staunch adherent of King Charles I. during the civil wars. He suffered much for the part which he took with the loyalists in general, and especially for joining his cousin, the Duke of Hamilton, in his celebrated engagement in 1648. For this latter attempt to serve his unfortunate sovereign, Colonel John Maxwell had, on his return from England, to do penance before the congregation in the parish church of Carluke.[2] He persevered, however, in his loyalty, and continued in the army till he fell at the battle of Dunbar, in 1654. His military services and death are thus attested by the celebrated George Monck, Duke of Albemarle :—" These are to certify all whome these may concerne, that Col. John Maxwell served as Lieuten^t.-Colonell and Colonell in the warres of Ireland from the first beginning untill the year 1650, when he came over into Scotland, and was killed in the engagement att Dunbarre, in his Majesties service.—Given under my hand and seall at the Cockpitt, the 28th day of August 1660. ALBEMARLE."[3]

Colonel John Maxwell married Elizabeth, daughter of James Elphinstone of Blythswood, by whom he had a son and a daughter.

1. Mr. John Maxwell, served heir of his father, Captain John Maxwell, son of Sir James Maxwell of Calderwood, Knight, on 23d February 1665.[4] On the 16th December 1704, John Maxwell then designed residenter in Canongate, and son of Colonel John Maxwell of Abington, disponed to his son William, and the heirs-male of his body, whom failing, to the heirs-male of the body of Susanna Maxwell, and others more particularly mentioned under Sir William, second baronet of Calderwood, the lands of Over Abington and others, in order to fulfil the desires of the late Sir William Maxwell, as expressed in his disposition and tailzie of 9th January 1701.[5] On 17th January 1706, John Maxwell was served heir to his uncle, Alexander Maxwell of Calderwood, sometime designed of Saughtonhall, in the lands of Abington and others.[6] This John Maxwell married Margaret, daughter of Captain Wood of Culter. John Maxwell predeceased his wife before 23d March 1716, on which date her son Sir William granted her a bond.[7] She was living on 13th March 1729, when she granted a discharge to him. On the death of Sir William Maxwell, second baronet, his cousin, John Maxwell, became the heir-male of the family. Not having the estate of Calderwood, which was provided to his son, John Maxwell did not assume the title of baronet; while his son did so. John Maxwell and Margaret Wood had several children :[8]—
    1. Nathan, who perished in the Darien expedition, unmarried.
    2. William, who succeeded to Calderwood.
    3, etc. Others who died young.
2. Anne, daughter of Colonel John Maxwell, married, first, Mr. Bickerstaff of Rosegift, Ireland, by whom she had a numerous family; and secondly, Mr. William Eccles, minister at Ayr.

[1] Original Discharge at Calderwood.
[2] Account of the Calderwood family, MS.
[3] *Ibid.*
[4] Retour in Chancery, vol. xxvii. p. 310.
[5] Original Disposition at Torrance.
[6] Extract Retour, *ibid.*
[7] Original Bond, *ibid.*
[8] Original Discharge, *ibid.*

The daughters of Sir James Maxwell by his three wives were as follows :—

I. By Helen Porterfield—

1. Jean, who married, contract dated 26th January 1587, William Maxwell, brother-german to Sir John Maxwell of Pollok.[1]
2. Isobel, sister-german of Jean, is referred to in the marriage-contract of the latter as getting right to the marriage of Robert Lindsay, son of the late Elizabeth Lindsay of Lynbank. These two daughters, Jean and Isobel Maxwell, are mentioned in their mother's will, which was confirmed by the Commissaries of Edinburgh on 23d February 1600. In the account of Sir James Maxwell's family by his grandson, Andrew Kerr of Kippielaw, which is subjoined to the present account of Sir James, his second daughter is called the Lady Dunrod, which, coupled with her acquiring right to the marriage of Robert Lindsay, shows that she was married to one of the Lindsays of Dunrod.

II. By Isabella Hamilton—

3. Margaret, married in 1595 Alexander Lindsay of Dunrod. On the 17th May 1611, they received a charter from Andrew Shaw of Duncanrig, of the lands of Over Milneton and others, and were infeft on the same date.[2] They obtained a crown charter of the lands of Dunrod, dated 20th February 1621, and in December 1622, Margaret Maxwell, "Lady Dunrod," with consent of her husband, Alexander Lindsay, resigned to her brother Sir James all her right to whatever she claimed by the death of her mother.[3]
4. Nicholas, who married Alexander Lockhart of Cleghorn, who acknowledged receipt of a letter of inhibition from Sir James Maxwell, his brother-in-law, on 30th January 1626.[4]
5. A daughter, who married James Baillie of Park, who appears on an inquest on 30th November 1647.[5]
6. A daughter, who married [James] Lindsay, elder of Belstain.
7. Agnes, married James Hamilton of Stanehouse, whom she survived. She is mentioned as his relict in the translation of a bond on 29th June 1642.[6] She died between that date and the 28th December 1647, as appears from another translation.[7]
8. A daughter, who married Durham of Duntarvie.

III. By Lady Margaret Cuninghame :—

9. Susanna, who married James Dalziel of Johnston, who went to Ireland, and had a numerous family.
10. Anne, twin-sister of Alexander, who was baptized along with him at Edinburgh, on the 12th June 1614.[8] She married, first, James Macmorran of Newhall, and had to him a posthumous daughter, Ann, who married Sir George Campbell of Cessnock, Lord Justice-Clerk, by whom she had three daughters,—(1.) Margaret, wife of Alexander second Earl of March-

[1] Copy Contract of Marriage at Pollok. For notices of these spouses William and Jean Maxwell, reference is made to p. 34, *antea*. William Maxwell succeeded to the estate of Cowglen, which has been mistaken in previous accounts of the Calderwood family for the estate of Cowgrain in Dumbartonshire, belonging to the Denniston family.

[2] Original Charter and Sasine at Torrance.
[3] Original Renunciation at Calderwood.
[4] Original Discharge, *ibid.*
[5] Original Retour, *ibid.*
[6] Original Translation, *ibid.*
[7] Original Translation, *ibid.*
[8] Register of Edinburgh Baptisms.

mont ; (2.) Mary, married to Sir William Gordon of Afton ; and, (3.), Christian, wife of Dr. Pringle, brother of Stitchell. Anne married, secondly, Major Robert Mure, brother of Rowallan. Of this second marriage there was a son, Charles, baptized at Edinburgh, 7th November 1652.[1] There were also four other children, but the whole five died young.

11. Margaret, married, first, Lockhart of Wigatshaw, in the county of Lanark, by whom she had one son ; and secondly, Lieutenant-Colonel Andrew Ker of Kippelaw. Of this second marriage there was a son, Andrew, and a daughter, Anna, baptized at Edinburgh, 26th April 1657, when John Maxwell of Calderwood is a witness.[2] She married Dr. Mitchell. Appended to the present account of Sir James Maxwell and his family, is an account of them by Andrew Kerr of Kippilaw, who was a son of this marriage, and grandson of Sir James.
12. Catherine,[3] married, first, [Claud] Hamilton of Mecklinhole ; and secondly, the Rev. Mr. Dickson.

Account of the Marriages and Children of Sir James Maxwell, by Andrew Kerr of Kippilaw, his Grandson, in a Letter to Sir William Maxwell of Calderwood.

Ane Account of Sir James Maxwell of Calderwood, his Wifes and Children.

He married first Mary Porterfeeld, daughter of William Porterfeeld of that ilke, by whom he hade tuo daughters, the Lady Cowglen, and the Lady Dunrod.

Nixt he maried a daughter of Sir Alexander Hamilton of Inuerwieke, by whom he hade his sone and air, Sir James (who beeame blind), and six daughters : Lady Cleghorn, Lady Park, tuo Lady Belstans, Lady Stenhous, and Lady Duntervie.

His third wife was Lady Margaret Cuningham, third daughter to James Earle of Gleneairn, and relict of Sir James Hamilton of Eavindale, by whom he hade tuo sones and four daughters : Coll[o]. John Maxwell, grandfather to the present Sir William Maxwell of Calderwood (Alexander Maxwell of Sanchtounhall and Anna Lady Newhall were tuines), Susanna Lady Johnstoun, Margaret Lady Wieketshaw, and Katharin Lady Maehlinholl.

His eldest sone, Sir James, maried first Eavindale, and Lady Margaret Cuninghame's only daughter, by whom he hade Mary Maxwell, Lady Craignethen, this Craignethen's mother ; his seeond Lady, was Dame Marie Couts, by whom he hade Sir William, his only sone and air (who and all his posteratie are dead). Susanna Maxwell, threis maried to Busbie, Crosbasket, and Sir George Home of Kellie, provist of Edinburgh, but without ishue.

Colonell John Maxwell maried Sir James Elphistoun's daughter, by whom he hade a son, Mr. John, father to the present Sir William, by Margaret Wood, of the familie of Coltre, and Anna Maxwell, tueis maried, first to Mr. Biekerstafe of Rosegift, in Ireland, who hes a numerous ofspring, and then to Mr. William Eeeles, minister of the Gospell at Air.

Alexander Maxwell maried Thomas Muddies, only eheild and aires, by whom he hade tuo daughters, Jean and Janet. Jean maried Sir William Maxwell of Calderwood, who died last ; and Janet to Sir William Denholme of Wastshealls, without ishue.

Susanna maried James Dalzell of Johnstoun, who went to Ireland, and hade a numerous ishue.

Anna maried first James M'Morran of Neuhall, who hade a postumus eheild to him. Dam Ann M'Morran maried to Sir George Campbell of Cesnoek, Lord Justiee-Clarke, by whom was this Earle of

[1] Register of Edinburgh Baptisms.

[2] *Ibid.*

[3] Alexander, Susanna, Anne, Margaret, and Katherine Maxwells, are mentioned as the "bairns" of the late Sir James Maxwell and Dame Margaret Cuninghame, his reliet, in a eontraet between his son, Sir James Maxwell, and William, his brother-german, and Dame Margaret Cuninghame, 3d January 1623.—[Extract at Calderwood.]

Mairtchmount's Lady Margaret, and Sir William Gordon of Afton's Lady Mary, and Dr. Pringle's lady, Mrs. Christian Campbell; her second husband was Major Robert Muir, Rouallen's brother, who hade five children to him, but they died all young.

Margaret maried first Lockhart of Wicketshaw, by whom she hade a son, and then she maried Colonell Karr of Kippilaw, and bair to him a son, Andrew Karr, now of Kippilaw, and Dr. Mitchell's lady.

Katharin, Sir Jameses youngest daughter, threis maried, first to Hamiltoun of Machlinholl, of whom many are come; nixt to Mr. Diekson, a minister in Galloway; and third, to Mr. James Durie, minister at Dalmenie, but noe ishue now.

Kippilaw, I January 1733.

Sir,—Vpon the other seid you have a short account of my grandfather's thrie wifes and their children. I have been more particular about his children with his last lady, my grandmother haveing knoun them best, I being nou the last grandcheild alive that is come of them; but the names and succession of his other danghters may be learned from the other families they were matched into, only I can tell you that the Lady Stenhous hade a daughter maried to Broun of Stevinson, and their daughter maried Sir Patrick Nisbet of Dean, whose daughter is Lady Torrence, your lady's mother. And thus his posteratic come of his own loines in you his sone's grandcheild, and your lady his danghter's grandcheild's grandcheild have united to represent his familie. I pray God blis and prosper yow and yours, and give you great confor and joy in one anothere, many happie new years here upon earth, and in end croun you with immortall glory with himselfe in heaven hearafter for evermore. If you inclein to inquire further about Sir Jamses predicessors, there is non I know can give soe distinct ane account of it as Mr. Robert Stewart, the regent, who sayes he hes seen good voutchers for what he asserts. Mrs. Mongumrie, Baillie Hay of Craignethen's sister, haveing a freand of her's that was to writ something about the familie of Calderwood, desired of me to give what assistance I could theirto (which I did), soe yon may caus aske at them what is done in it. But above all, for the good of yourselfe and familie, I humbly propose your applying to the Earle of Mairtchmount to geat backe your charter chist and peapers, whence probably their may be a clearer account gotten of the relations of the familie then otherwayes can be discovered, Sir James haveing leaved to see most of his children maried, and donbtles one of their contracts of mariadge would be in his custodie, with all the writs of the estate. If you come to any further knonledge of this maitter, I intreat you'l favour him with ane account thereof, who is, Sir, your affectionat cousin and most humble servant,

A. Karr.

Pleas make my complements to yonr lady and Torrenses familie.[1]

Will of Lady Margaret Cuninghame, third Wife of Sir James Maxwell of Calderwood, addressed to her Sister, 2d October 1622.[2]

Madam,—I have also thonght good to put to a point all my worldly affaires, that I may with the more quieitnesse of mind meditate on the kingdome of heaven, and my onn salvation. I need not delate to your Ladyship what my worldly estate hes been this long time. Yonr Ladyship knows it well enugh. It pleased the Lord to visit me with the crosse of an unloving husband first, who proved most unnaturall both to me, and to his poor children which I have born to him; which unloving dealing he manifested to the world, in that he deprived them altogether of their birthright, and left them destitnte of any means to sustaine them upon. To discourse upon his unnaturality is not needful. Sin was the cause thereof; for he negleeted his duty to God, forgott also what part he should have keeped to me and to his children. But God, who is rich in mercy, I doubt not hes called him to repentance before his departure out of this life, the hope whereof rejoyces me greatly; for I long since heartily forgave him all the injnries that ever he did to me. Indeed the desolate condition of these poor children is great grieff to my heart, and not without great cause; for when I look naturally to their estate, I see nothing for them but misery in this life, without any appearance of an outgate. But yet, when I look with the eye of a lyvely faith to the providence of my loving God, who hes so carefully ofttimes provided for me contrare to man's expectation, I

[1] Original Letter at Calderwood.

[2] Old Copy of Will, *ibid.*

eannot but he comforted, not douhting of his providence to my children. For he hes promised to be our God and the God of our children, and he hes abundance laid up in store for all that fear him: Therefor I committ them heartily unto his blessed tuition. So long as it pleased God to spare my dayes here, I discharged my dewty to them, in training them up in the true fear of God, so far as in me lay; and now seeing, after my departure out of this vale of misery, that mean portion which I had of their father, and which I bestowed upon them, is now among the rest fallen to my Lord your Ladyship's husband and to your Ladyship; therefore I cannot but committ these poor children to his Lordship and your Ladyship, as these who have greatest reason to he carefull for them, for many respects which I need not repeat: your Ladyship knows how native they are to his Lordship and your Ladyship; but above all these respects, I humbly heseich hes Lordship and your Ladyship that the fear of God may bind his Lordship and your Ladyship to have that care of them that they want not some reasonable muney to live upon; calling to remembrance that it will be both sin and shame to his Lordship to suffer them to live as heggers, seeing his Lordship possesses all that portion by which they should have lived, whereof his Lordship hath gotten an easie penyworth. Wherefor his Lordship hes reason to he good unto my poor children, if his Lordship wold have God to give hes blessing to his Lordship in possessing that portion; for except his Lordship have it with the testimony of a good conscience, I know his Lordship will once repent that ever he medled with it. Therefor, Madam, not only for the care I have of my poor children, but also for the Christian affection I earry to his Lordship and your Ladyship, I humbly beseich you both to give these desolate children no oecasion to complean either befor God or the world: For God hath promised to hear the ery of the oppressed. It hath pleased God to spare my dayes till the time of their infancy is almost past, so his Lordship hes not been burdened with them in holding them at schools. As his Lordship promised to my father in Craigmiller, when his Lordship said the stones in the walls of Craigmiller shonld hear witnesse and ery out against him, if he did not a dewty to these children, God, who made these words to proceed out of his Lordship's own mouth, will challeng him if he break that promise. I have done my indeavor to them, and have never letten them yet be hurdinsome to his Lordship, and by the mercyfull providence of God, I have provided my daughter that she is not to trouble his Lordship. Few wold have thought but his Lordship wold have helped to pay her tocher; hut seeing (hlessed be God) I did the turn without his Lordship's help, I wold now beseich his Lordship to be the better to my three sons, who have no help but that which it pleases his Lordship to bestow upon them. Lord, who hes the hearts of all in his hand, move his Lordship's heart to enter in a godly eonsideration of the miserable estate of these young ones: if his Lordship give liberally unto them, I am surely perswaded that God will recompence his Lordship with the double, and will give the greater hlessing to all that his Lordship hath.

If it please God to preserve the life of my eldest son, and to bring him home from that dangerous estat he is in, I will beseich your Ladyship for God's sake deall with my Lord your hnshand to give him some portion of heritage, that he may be the more able to serve his Lordship. I hope in God his Lordship will never have missing of it that will do that hoy good; and God, I am sure, will hlesse the rest the better in his Lordship's hand.

Madam, I hnmbly heseich your Ladyship, be an good instrument to move his Lordship to be good to these three poor lads. I look that your Ladyship will be a mother to them in my stead. The confidence that I have of yonr Ladyship's care and affection towards them assures me that your Ladyship will not lett them want. My second son, John, hath a litle bitt land in Crafford John, which I heseich your Ladyship assist him in the peaceahle bruiking thereof. It will help to be a life to him, with some more of my Lord's support as God moves his Lordship's heart. As to my third son, Thomas, now when he is young, your Ladyship would do weell to put him to my Lord Arran, your Ladyship's son, to serve his Lordship, and let his Lordship do to him as his Lordship finds him worthy. I have litle geir to leave them, but what I have, I have left it to them, as your Ladyship will find in a tickit. I have no more to leave them but my blessing, which I heartily give them, and committs them first to the tuition of God, and nixt to my Lord Marqneise and your Ladyship.

Now, madam, concerning my estate with my last dear and loving hnsband, it pleased God in the time of his life to knitt his heart and mine together in such intire affection that I think greater love was never hetwixt two, which now makes my grieffe the greater for his removeall, and makes me the better eontent

to follow him. The Lord prepare me and make me ready. The hard estate of his house impeded him that he could not be so beneficiall to his children and mine as he would willingly have been, but I know he lacked not good will. He gave his son John about eight thousand, and five hundred merks of accidents which God did cast in his hand, without hurt to his house, and that now is increased to the soume of more then nintine thousand merks, as your Ladyship will see by the minuts of his vrites, whereof I have left your Ladyship a copie. His umquhill father hath left him tutors after my deceise, as your Ladyship will see by his testament. But I must beseich your Ladyship to have a care that these tuttors do a duty, and that they make just count ilk year unto the honorable friends that they are bound unto in my husband's testament. I think it best that all my son John's wryts be locked in a chest and two locks on it, and the one key given to the Laird of Caprinton to keep, and the other to Sir George Elphiston, because all the obligations are unregistrated. The three tuttors that are alive are William Maxwel in Cowglen, the Laird of Halcraig, and James Liudsay. I hop they will all be faithfull, yet I must beseich your Ladyship to take the pains to hear their cownts ilk year. And I wold beseich your Ladyship take some pains to cause lay it on some man's land in the cowntry, upon good security, so it will be surest and lest tronble to the tuttors.

As to the rest of my children born to my last dear husband, they have a right off him of the ward of the Miltown, which right I have left in your Ladyship's hands, beseiching your Ladyship to cause the tuttors have a care that it be well used and goe to the fore unto them. Their brother Sir James should intertain them all five, till he pay ilk one of them twelve hundred merks, which he is bound by his contract of marriage to pay within seven year after my father's decease. What moveables will belong to them I know not, but I beseich your Ladyship to have a care of all, for my trust earthly is in your Ladyship concerning all my poor children. They have a right also of the plenishing of Crafford Jon mains, which right I have left, withe the right of the Milton, in your Ladyship's hand. God lend your Ladyship many good and happie years, that your Ladyship may bring up all your own sweet children, and see them provyded, and that your Ladyship may also be a mother to my poor ones, who are both fatherlesse and motherlesse. Your Ladyship must cause the tuttors hold John Maxwell, my son, at the schools; and for the four lasses, I know my sister the Lady Hamilton will not want Sussanna so long as it pleases God to spare her dayes; and for Anna, I wold beseich your Ladyship to take her to serve your Ladyship's daughter, Lady Anna: and seeing her own gear will do her some good, she will not be over expensive to your Ladyship. But I wold fain have her in your Ladyship's company, which I know will do her more furtherance then all her gear. And for the two youngest, Margaret and Kathrine, I think their sister, my eldest daughter, will have a care of them, as she has reason; for I have been a loving mother unto her, in prejudice of all the rest, but now I think it will turn to their well, seeing she may do them all good. I beseich God grant her his Holy Spirit, that she may discharge her dewty to them all. God knows my care was ever great over that house I placed her into; and before I thought of her being in it, my chief care was to have it well, howbeit I was misreported of. But God, that knew my secret affection to it, kythed it in his own time. All that ever I sought to any of my bairns, or gott, was but accidents, and not hurtful to the house; neither have they anything that burdened the house, except only that six thousand merks that my good son should give my five children within seven years, which is but a sober matter among so many.

I have left a minute of sundry litle things, which I beseich your Ladyship to see done; for seeing God hes removed my husband before me, there is non on life so dear unto me as your Ladyship, so that I can burden no other; beseiching your Ladyship to excuse my presumption herein, for it proceeds from affection.

Now, madam, not doubting of your Ladyship's care over all my poor children, I pray God grant your Ladyship many happie years among your own children, and a joyfull departure into his heavenly kingdom, where we shall have, I hop, a joyfull meeting, through the precious merits of Jesus Christ, unto whose gracious protection I heartily committ your Ladyship for now and ever.

Your Ladyship's to death,

MARGARET CUNINGHAME.

Please your Ladyship, receive this tablet, which fecklesse token I beseich your Ladyship to accept in good part, as a sign of my hearty good will. It is the token that my mother left unto me, therefore

I loved it best. I have written also unto my Lord Marqueise, which letter I must beseich your Ladyship to present unto him, and be a good instrument to move his Lordship to accept it in good part.

Malsly, the 2nd of October 1622.

IX.—1. Edward Maxwell, Tenth of Calderwood, 1622-1648,

Was the eldest son of Sir James Maxwell and his second wife, Isobel Hamilton. On 7th November 1622, Edward Maxwell was served heir to his father, Sir James, in the lands of Calderwood and others.[1]

On the 14th December following, Edward Maxwell, as eldest son and heir of Sir James, granted a procuratory for resigning the lands of Mauldslie, Calderwood, Dripps, and others, in favour of his brother, Sir James Maxwell, then of Jackton, and the heirs-male of his body; whom failing, to the said William Maxwell, and the heirs-male of his body; whom failing, to John and Alexander Maxwell, the other sons of Sir James Maxwell, and the heirs-male of their bodies. This procuratory was granted in implement of a contract (dated in July, August, and September 1619) between his father and himself (Edward) and his brother-german, Sir James Maxwell of Jackton, second son of Sir James, and William Maxwell, his youngest son, on the one part, and Dame Jean Hamilton, daughter of Margaret Cuningham, Lady Calderwood, and her first husband, James Hamilton of Evandale, on the other part, in reference to the marriage of the said Sir James Maxwell of Jackton and the said Jean Hamilton.[2]

Edward Maxwell was served heir to Robert Maxwell, his great-grandfather, on the 24th April 1630;[3] and in an information for Alexander Maxwell of Saughtonhall, dated 18th January 1658, Edward is described as the eldest son, James as second son, and William as youngest son of Sir James Maxwell by his second wife, Isabella Hamilton; and at that date James was the only son of that marriage alive.[4] Edward Maxwell died without issue before 19th February 1648, when his immediate younger brother-german, Sir James Maxwell, was served nearest heir to him in the lands of Calderwood and others.[5]

IX.—2. Sir James Maxwell, Eleventh Laird and First Baronet of Calderwood, 1623-1670,

Was the second son of Sir James Maxwell and his second wife, Isabella Hamilton. Before he succeeded to Calderwood, he was designated of Jacktoun, to which estate he appears to have been provided by his father when a young man.

Although Sir James was only the second son, and his elder brother Edward was alive, it was arranged, on the occasion of the marriage of Sir James, that he should be provided to the estate of Calderwood, and to the barony of Mauldslie. Following out this family arrangement, Edward Maxwell, the eldest son of the late Sir James, resigned the lands of Calderwood and the barony of Mauldslie into the hands of the Crown in 1623; and they were regranted to Sir James and Jean

[1] Extract Retour at Calderwood.
[2] Original Procuratory of resignation, *ibid.*
[3] Extract Retour, *ibid.*
[4] Original Information at Calderwood.
[5] Inquisitionum Retornatarum Registrum, vol. xix. p. 245, in Chancery, Edinburgh.

Hamilton, his spouse. Sir James also obtained, on the 11th March 1623, from William Lord Kilmaurs, the superior, a charter of the lands of Little Dripps, with limitation to Sir James and the heirs-male of his body; whom failing, to William, his brother-german, and the heirs-male of his body; whom failing, to John Maxwell, eldest son of the late James Maxwell of Calderwood, Knight, and Dame Margaret Cuninghame, and the heirs-male of his body; whom failing, to Alexander Maxwell, his brother-german, and the heirs-male of his body; whom failing, to the nearest heirs-male of the said late Sir James Maxwell of Calderwood, bearing the name and arms of Maxwell. The charter bears that the lands had been resigned by Edward Maxwell.[1]

Sir James Maxwell, when a young man, was on terms of intimacy with his cousin, Sir John Maxwell of Pollok. In a letter from the former to the latter, dated 18th February 1628, he describes the effect on himself and a friend of their convivialities while on a visit at Pollok:—"Your kyndnes and loue to me, your freind, and the strainger I brocht with me, maid Sir Jhone Hamiltone ane sore bak, and me a sore schudder blaid; bot thanks to God, ve ar veill now. Sir Jhone Hamiltone revaingit your quarrell on my Lord Ros in Glesgow. Sir Jhone Hamiltone resoluis when he seis yow to remembor yonr kyndnes schawit to him in your hous. Make for it quhen he scis zow.—Youris to his daithe ever to be commandit, Sr. J. Calderwood."[2]

Sir James Maxwell was very wealthy, and a great favourite with King Charles I., and on the 28th March 1627, his Majesty created him a Knight-Baronet of Nova Scotia, by royal patent, containing the lands, barony and regality of Mauldslie in Nova Scotia, North America, with limitation to him and his heirs-male whomsoever.[3]

Sir James Maxwell joined the army of the Covenanters at the commencement of the Civil Wars. On the 14th July 1640, he granted a bond of relief to his cautioners when about to set out with the Scottish army to the borders of England, or elsewhere, for the defence of the religion, liberties, and laws of the country; but what position he held in the army has not been ascertained.

On the 26th August 1643, Sir James was appointed by Parliament one of the commissioners for the shire of Lanark to support the Protestant religion from the multitude of Papists, prelates, and their adherents, then in arms in England and Ireland, and to raise forces for putting Scotland in a posture of defence;[4] and he was re-appointed for the same purpose on the 18th April 1648.[5]

After being in possession of the Calderwood estates for some time, Sir James Maxwell became very extravagant, and wasted his fortune. His debts were so large, and his creditors so pressing, that his estates were on the point of being lost to his family, when his youngest brother, Alexander, who had prospered in business as a merchant, and had married a rich heiress, purchased the barony of Mauldslie and Calderwood. His eldest daughter married her cousin, Sir James's son William, and Alexander restored the property to the main line.

[1] Original Charter at Calderwood.

[2] Original Letter at Pollok.

[3] Original Patent at Calderwood. An indorsation bears that it is recorded in the Register of the Great Seal in January 1830. At the funeral ceremony of the Countess of Nithsdale, from St. Giles' Church, Edinburgh, to the Abbey Church of Holyroodhouse, on Monday, 20th March 1637, after Alexander Maxwell, brother of Lord Herries, bearing the coronet of the deceased, followed the Lyon King of Arms, between two special friends of the deceased; namely, on his right hand, Sir James Maxwell of Calderwood, Knight and Baronet, and on his left, Alexander Maxwell of Newark. Many other Maxwells also took part in the ceremony.—[Ancient Heraldic and Antiquarian Tracts by Sir James Balfour. Edinburgh, 1837. Pp. 26-28.]

[4] Acts of Parliament, vol. vi. p. 51.

[5] *Ibid.*, p. 298.

Sir James Maxwell married, first, Jean, daughter of Sir James Hamilton of Evandale and Lady Margaret Cuningham, daughter of James, seventh Earl of Glencairn, and the third wife of his own father. Jean Hamilton was born in March 1605.[1] Of the first marriage there were two sons and one daughter. Sir James married, secondly, Mary Couttes, but of what family she was is not known. It is said that Sir James married her on account of her beauty, and this tradition receives some confirmation from their contract of marriage, in which there is no tocher received with the lady, and there are no consenting relatives. Their marriage-contract is dated 1st July 1637, and by it Sir James bound himself to infeft her in liferent, and the children of their marriage in fee, in an annualrent of 400 merks from the lands of Calderwood.[2] Of this second marriage there were two sons and three daughters,—William, Alexander, Anna, Henrietta, and Susanna, who will be afterwards mentioned more particularly.

Sir James Maxwell's family were—

1. John, eldest son by the first marriage. On the 19th August 1653, Sir James Maxwell assigned to John, his eldest son, a bond for 314 merks.[3] He married Agnes Hepburn, "Lady Milntoun," relict of Adam Whitford of that Ilk. She was also relict of Sir Frederick Hamilton of Manor Hamilton, Ireland. The contract of the marriage of John and Agnes is dated in 1648, and registered in the Books of Session on 9th July 1661.[4] This marriage was a very unhappy one, and on 25th July 1661, Agnes Hepburn applied to the Lords of the Privy Council for protection against the ill-usage of her husband. Her complaint sets forth—

That where in the yeir of God 1648, the said compleaner being lawfullie maryed to Jon Maxuell, sone to Sir James Maxwell of Calderwood, and she expecting nothing else bot to have lived a peaceable and quyet lyfe with him at bed and boord, in all godlinesse, peace, and honesty, conforme to the lawes of God and this kingdome: Notwithstanding it is of veritie that her said vnnaturall husband, casting of all fear of God, and the affectione and deuty he owes to the said compleaner, hes without any just ground or offence on her pairt, these sewerall yeirs bypast caryed and behaved himself most harshlie, crnelie, and baselie towards her, not only shunning to keip conjugall society with her, bot strykes and abuses her with staffs, hands, and feett, to the perrill and hazard of her lyfe, and frequent fear of death, and hes diverse tymes thrust furth her and the poor chyld, Margaret Maxwell, procreat betuixt them, out of the house, wherby they have bene necessitate diverse nights to ly in his stable besyds his beasts. And not being content therewith, he most vnmercifullie with holds and deteanes not only that which she wes provyded vnto by the deceist Adam Whytfoord, the said compleaner's first husband, to witt, the houses and yeard of Milntonne, eight chalders victuell, and eight hundreth merks Scotts money yeirly, and the soume of ane thonsand merks money provyded to her be himself, conforme to the contract of mariage past betuixt them. Bot most vnnaturally intends to depart furth of this kingdome, and to leave her destitute of all comfort worldly. And, as the said compleaner is informed, he hes disponed her joynture to William Lindsey of Belstaine, or some other, to the vter vndoeing of her and her poor chyld, whereby, as he hes offended God, so he hes contemned soveraigne authority, and reduced the said compleaner to extream miserie and necessitie, having litle or nothing to maintaine her self, bnt by the charity of friends. And anent the charge given to the said Johne Maxwell, to have compeired personallie before the Lords of Privie Councill, this present day, to have ansnered to the premisses, and to have heard and sene himself decerned to pay to the said compleaner, and her said dochter, dureing the tyme of his not cohabitatione with her, such soume or soumes of money yeirlie for her aliement and sustentatione as the saids Lords should think

[1] Copy Memoir of Lady Margaret Cuningham at Calderwood.

[2] Original Contract, *ibid.*

[3] Original Assignation at Calderwood.

[4] Extract Contract, *ibid.*

just and expedient, as also to restore her to her house of Milntoune, and putt her in peaceable possessione thereof, as haveing right thereto in maner forsaid. And farder, to have heard and sene such order taine anent the remanent of the said complaint as appertained.

John Maxwell failed to appear in Council to answer this complaint, and the Council ordained letters to pass against him for denouncing him rebel, etc.[1]

John Maxwell died before 10th February 1682. His younger brother consanguinean, William, afterwards Sir William, became his heir-male and of taillie.

Of John Maxwell's unhappy union with Lady Milton, there was, as stated in the above proceedings, only one child, Margaret Maxwell, who married Lawrence Scott of Bavilaw. Their postnuptial marriage-contract is dated 13th March 1671, according to which she was to be infeft in liferent in the lands of Bavillaws or Bewlands ; and, on the other hand, to assign to her husband her tocher of 18,000 merks Scots, due to her as only daughter of John Maxwell, eldest son of Sir James, and Agnes Hepburne, her mother.[2] Lawrence Scott died before 12th December 1679,[3] and his sister, Elizabeth Scott, spouse to Sir William Binning of Waliford, was decerned executrix-dative to him, as his nearest of kin, by the Commissaries of Edinburgh on 27th July 1688. Margaret Maxwell survived her husband, and was alive on 10th February 1682.

2. Thomas, second and youngest son of first marriage. On 29th January 1663, he, as second son of the late Sir James Maxwell, and brother-german to John Maxwell, eldest son of Sir James, disponed to William Maxwell, son of Sir James by Mary Couttes, all the interest and right which he, Thomas Maxwell, had to the estate of Calderwood through the decease of the said John Maxwell, or of Margaret Maxwell, his daughter.[4] Thomas Maxwell died without issue.

3. William, eldest son of the second marriage, succeeded his father.

4. Robert, who is mentioned as son lawful of Sir James Maxwell of Calderwood, in an obligation by Alexander Maxwell of Mauldslie, dated 16th July 1645.[5]

5. Alexander, who, along with his brother William, and his three sisters, Anna, Henrietta, and Susanna, received from their eldest brother, John Maxwell, eldest son of Sir James Maxwell of Calderwood, a bond of provision for two thousand merks Scots, dated 7th July 1658. Alexander is called youngest son of Sir James Maxwell, in a bond by him, dated 2d June 1662 ;[6] but he died young, and without issue, as appears from decree of adjudication at the instance of Andrew Ker, Writer to the Signet, against John Maxwell and others, dated 8th June, and recorded 11th July 1704,[7] and also by the service, in 1830, of General Sir William Maxwell to Sir James Maxwell, first baronet, already mentioned.

6. Mary, only daughter by Jean Hamilton, married Andrew Hay of Craignethan, who granted an assignation of her right to part of 6000 merks, on 27th April 1670.[8] There is a tradition in the Calderwood family, that before her marriage Mary Maxwell was a companion to her second cousin, Anne Duchess of Hamilton. In the distress of the Duchess during the usurpation of Cromwell, Mary Maxwell supported the Duchess and herself by spinning, in which she excelled. When the Duchess was restored to her estates, she gave Mary Maxwell in marriage to Mr. Hay, and

[1] Register of Secret Council Decreta, 25th July 1661.
[2] Original Contract at Calderwood.
[3] Original Charge of that date, *ibid.*
[4] Original Disposition, *ibid.*
[5] Original Obligation at Pollok.
[6] Original Bond, *ibid.*
[7] Original Decree at Calderwood.
[8] Original Assignation, *ibid.*

bestowed on them the estate of Craignethan as a marriage portion. Of this marriage there were four sons :—1. Andrew ; 2. Johu ; 3. Archibald ; 4. William. To each of these sous, in succession, the lands of Calderwood were destined by the disposition and tailzie of Sir William Maxwell, dated 9th January 1701, failing the heirs-male of his sister Susauna.[1]

7. Anna, eldest daughter of second marriage. She and her sisters, Henrietta and Susanna, granted an assignation of their rights, under their mother's contract of marriage, to part of 6000 merks thereby provided to them, ou the 18th July 1670, in which Anna is the first uamed, Henrietta the second, Susanna the third, aud in which they are all styled daughters of Sir James Maxwell and Mary Couttes.[2] Anna married Mr. Jamcs Barrie, minister of Blantyre. She appears as his spouse in a decree of absolvitor obtained by Mary Couttes against her and Mr. Barrie, her husband, ou 24th June 1675.[3] She is mentioned as deceased in a bond of corroboration by Sir William Maxwell, dated 11th November 1719.[4]

8. Henrietta, who appears iu the assignation already mentioned, and seems to have died unmarried.

9. Susanna. She married, first, David Dickson of Busbie, who, as her spouse, was a party to the assignation of 18th July 1670. Ou the 16th December 1670, Susanna Maxwell, lawful daughter of Sir James Maxwell of Calderwood, received a charter under the Great Seal of the lands of Busbie.[5] She married, secoudly, John Kincaid of Corsbasket, advocate ; and thirdly, at Edinburgh, in January 1700,[6] Sir George Home of Kello, Lord Provost of Edinburgh. In his disposition of 9th January 1701, her brother, Sir William, destined the lands and barony of Calderwood, failing the heirs-male of William Maxwell, grandsou of Colonel Johu Maxwell, to the heirs-male of the body of Susanna Maxwell. On the 28th March 1709, she and her husband, Sir George Home, granted a discharge to Adam Brown, curator of Sir William Maxwell, for an aunual rent of 300 merks.[7]

Sir James Maxwell lived to a great age, and became quite blind. He was alive on 18th July 1670, at which date he assented to the assignation by his daughter, Mary, already mentioned. He seems to have died soon after, and was succeeded by William Maxwell, the eldest son of his second marriage.

IX.—5. Alexander Maxwell, Twelfth of Calderwood, 1614-1677.

Alexander Maxwell was the fifth aud youugest son of Sir James Maxwell, and the second son of his third marriage. He was twin brother of Aune, aud baptized along with her at Edinburgh, 12th June 1614.[8] Alexauder became a merchant in Edinburgh, and was very prosperous in his business. He acquired the lands of Saughtouhall and Dalry, in the county of Edinburgh, and Abingdon, in the county of Lauark. He is occasionally desiguated of each of these estates, as well as of Mauldslie and Calderwood, which he also acquired from his brother, Sir James.

When Sir James became embarrassed, as we have seen, Alexander interposed to prevent the estates being sold to strangers. About the year 1644, he purchased from Sir James the barony of

[1] Original Disposition at Torrance.
[2] Original Assignation at Calderwood.
[3] Original Deeree, *ibid.*
[4] Original Bond, *ibid.*
[5] Reg. Mag. Sig. lib. 59, No. 309.
[6] Record of Marriages in Edinburgh.
[7] Original Discharge at Torranee.
[8] Register of Baptisms in Edinburgh.

Mauldslie, and on the 17th May 1644, obtained letters of inhibition against Sir James to prevent him selling any of his lands.[1]

A contract was entered into, on 12th February 1648, between Sir James Maxwell of Calderwood, with consent of Dame Mary Couttes, his spouse, and John Maxwell, his eldest son, on the one part, and Alexander Maxwell, merchant in Edinburgh, on the other part, whereby, on the narrative that Alexander Maxwell had advanced to Sir James, for performance of his necessary affairs and business, and to his creditors for relief of his debts, the sum of thirty-four thousand merks Scots, Sir James obliges himself to infeft Alexander, but under reversion in favour of John, son of Sir James, in the lands of Calderwood, with the castle, tower, fortalice, manor-place, etc., and in the lands of Jackton, Newlands, Dripps, etc. John Maxwell, who was then in minority, obliges himself to ratify the obligation on his majority.[2] Alexander Maxwell sold part of his own property to redeem the mortgages on the Calderwood estates. He re-conveyed the estate of Calderwood to his nephew and son-in-law, William Maxwell, eldest surviving son of Sir James, who married Jean, the eldest daughter of Alexander Maxwell, as will be more particularly explained in the memoir of Sir William Maxwell. Alexander Maxwell married Janet, only daughter and sole heiress of Thomas Moodie of Saughtonhall, and with her obtained the estate of Saughtonhall, from which he took one of his designations. This marriage took place about the year 1643, as in a letter from the laird of Kelburn to his brother-in-law, Sir John Maxwell, dated the 28th of June of that year, he says : "I find the young man" (Alexander Maxwell) "verie far on in ane mariadge with Thomas Moodie's dochter, the rich man in Edinburgh.[3]

Alexander Maxwell died in July 1677, as appears from the retour of the service of his nephew, John Maxwell, as heir-male to his uncle, Alexander, in the lands of Over Abingdon, and others, expede on 17th January 1706.[4]

Of this marriage there were four daughters :—

1. Jean, baptized at Edinburgh, 10th September 1646.[5] She married her cousin-german, Sir William Maxwell of Calderwood.

2. Anne, married Sir William Denholm of Westshiel, 13th October 1670, without issue.

3. Janet, baptized at Edinburgh, 16th September 1652.[6] She was infeft in Over Abingdon as heir of her father, Alexander Maxwell, 14th September 1668.

4. Elizabeth, baptized at Edinburgh, 28th November 1658.[7]

X.—Sir William Maxwell, Second Baronet of Calderwood, 1670-1703,

Was the eldest son of Sir James, the first Baronet, and his second wife, Mary Conttes. During his father's lifetime, he was designated of Jaktou. He was infeft in the lands of Calderwood, Jakton, Allerton, and others, on precept in the disposition by his uncle, Alexander Maxwell of Sauchtonhall, therein designed of Dalry, on 14th October 1661.[8] And on the 8th March 1667, William

[1] Original Letters at Calderwood.

[2] Original Contract, *ibid.*

[3] Original Letter at Pollok. Thomas Moodie left 20,000 merks Scots to erect a church in the Grassmarket of Edinburgh. Parliament authorized the money to be applied in building the Canongate church. The principal gallery was allotted to the Calderwood family, and given by them to the Earl of Marchmont, who was tutor to Sir William Maxwell.

[4] Original Retour at Torrance.

[5] Edinburgh Baptisms.

[6] *Ibid.*

[7] *Ibid.*

[8] Original Instrument of Sasine at Calderwood.

Maxwell of Jakton obtained from King Charles II. a charter to him and Jean Maxwell, his sponse, in conjunct infeftment, and to the heirs of their marriage, in fee, whom failing, to the heirs of William himself whomsoever. There is reserved by this charter to Alexander Maxwell of Calderwood, father-in-law of William, the granter, the liferent of the lands of Allerton, etc., and also the title, style, dignity, place, and precedency of the estate of Calderwood. The whole lands are thereby erected into the barony of Calderwood, and the mansion-house of Calderwood is ordained to be the principal messuage thereof.[1]

On the 16th February 1672, Sir William resigned into the King's hands the barony of Calderwood, and on the 26th of the same month, his Majesty re-granted the barony to Sir William himself in liferent, and to Alexander, his eldest son; whom failing, to Thomas Maxwell, his second son, and their heirs-male; whom failing, to Sir William Maxwell himself, and his heirs-male of any other marriage; whom failing, to the heirs-female of the said Alexander. This charter was ratified in Parliament at Edinburgh, on 11th September 1672. And Sir William and Alexander were infeft in liferent and fee respectively on 19th March 1673.[2]

The two sons and only daughter of Sir William having predeceased him without issue, he, on the 9th January 1701, executed a new disposition and entail of the barony of Calderwood, in favour of his cousin, William Maxwell, son of Mr. John Maxwell, who was son of Colonel John Maxwell, uncle of Sir William, and the heirs-male of his body; whom failing, to the heirs-male of his own sister, Susanna Maxwell; whom failing, to Andrew Hay of Craignethan, and his heirs-male; whom failing, to John, Archibald, and William Hay, his second, third, and fourth brothers, and their heirs-male.[3] Sir William, at the same time, granted a bond of provision of 300 merks yearly to his said cousin, Mr. John Maxwell.[4]

In 1681, Sir William took steps to have the provisions of the will of Thomas Moodie, maternal grandfather of Lady Maxwell, duly attended to. Thomas Moodie mortified a sum of money for building a church in Edinburgh. Sir William Maxwell presented a petition to Parliament on the subject, and on the 16th September 1681, Parliament ordered the money to be employed as nearly as possible in accordance with the will of Mr. Moodie. The money was employed, as already stated, in building the Canongate church. In a letter from Sir William to his cousin, Sir Alexander Hume of Castlemains, dated from Calderwood, 2d April 1702, he mentions that the Duke of Hamilton had said to the Commission of the Kirk, that he would stand for the Presbyterian interest while he breathed.[5]

Sir William married his cousin-german, Jean, eldest daughter of his uncle, Alexander Maxwell of Saughtonhall, etc., before 9th November 1666, as appears from a contract of that date, which narrates their previous marriage.[6] Sir William died on 30th April 1703.[7] By his wife, Jean Maxwell, he had two sons and one daughter.

1. Alexander, younger of Calderwood, who, on 9th April 1678, received from King Charles II. a charter of the lands of Over Abingdon and others,[8] and was infeft in the same in June following. He married Margaret, daughter of Sir George Maxwell of Pollok. Their contract is dated 30th

[1] Original Charter at Calderwood.
[2] Original Instrument, Charter, and Ratification at Torrance.
[3] Original Disposition, *ibid.*
[4] Original Bond, *ibid.*
[5] Original Letter at Marchmont.
[6] Original Contract at Calderwood.
[7] Act on Curatorial Inventories of Sir William Maxwell at Torrance.
[8] Original Charter, *ibid.*

September 1684. Sir William and Alexander were bound to infeft her in the lands of Dripps; and she, with consent of Sir John Maxwell, her brother, assigned to her husband, Alexander, as tocher, the sum of £10,000 Scots.[1] The barony of Calderwood and other lands were provided to the heirs-male of the marriage. But of this marriage there was no issue, and Alexander Maxwell predeceased his father. On his deathbed, Alexander Maxwell expressed that the good example of his father-in-law, Sir George Maxwell, and his regular and unaffected family worship in his household, had been the means of his conversion.[2] His wife died in May 1685. Her brother, Sir John Maxwell of Pollok, was then a prisoner in the Tolbooth of Edinburgh, for non-payment of a heavy fine imposed on him for alleged ecclesiastical offences; and on the 17th of that month, he was, on his petition, allowed by the Privy Council to the 2d of April to attend the funeral of his sister, the Lady Calderwood.

2. Thomas, predeceased his father, young and unmarried.

3. Margaret, predeceased her father unmarried.

The whole male descendants of Sir James, the first Baronet, and of Sir James his father, by his first and second marriages, having thus become extinct, the title and estates descended to the heir-male of the first baronet's father, Sir James Maxwell, by his third marriage, with Lady Margaret Cuninghame. The eldest son of this marriage, as we have seen, was Colonel John Maxwell, on whose grandson, William, the succession devolved on the death of his cousin, Sir William, the second Baronet.

XI.—Sir William Maxwell, Third Baronet of Calderwood, 1703-1750,

Succeeded his cousin in the title and estates on 30th April 1703. Being then in minority, the two tutors nominated by his cousin, the second Baronet, who were Sir Alexander Hume Campbell of Cesnock, and Adam Brown, then Dean of Guild, and afterwards Lord Provost of Edinburgh, raised an action before the Sheriff of Edinburgh against Mr. John Maxwell, residenter in the Canongate, and Andrew Ker of Kippielaw, W.S., nearest of kin to the minor on the father's side, and James Wood, merchant in Edinburgh, and John Wood, thread-maker there, nearest of kin to him on the mother's side. The Sheriff of Edinburgh, on 7th July 1703, ordained three inventories of the minor's estate to be given up in the Sheriff Court.[3] On the 12th August 1703, Sir William was infeft in the barony of Calderwood, in terms of the disposition and tailzie of 9th January 1701, already mentioned;[4] and on the 14th September 1704, he received a charter of confirmation of the lands of Dripps, proceeding on the same disposition and tailzie.[5] Sir William seems to have attained majority about the year 1716, when a settlement was made with Provost Brown, his curator, and soon after which he undertook the management of his own affairs.

He married Christian, youngest daughter of Alexander Stuart of Torrance, before 27th April 1717, the date of their postnuptial contract of marriage. Sir William Maxwell became bound to infeft Lady Maxwell in liferent in the lands of Over Abingdon, Glentewen, Allerton, and others; and disponed to her the furnishings of his house, and silver plate, in the event of himself and the children predeceasing her. The tocher of Lady Maxwell was 8000 merks Scots.[6]

On the 21st November 1717, Sir William Maxwell made his will, appointing William, his

[1] Original Contract at Ardgowan.
[2] Wodrow's Analecta, vol. ii. p. 62.
[3] Original Extract Decree at Torrance.
[4] Original Instrument of Sasine at Torrance.
[5] Original Charter at Calderwood.
[6] Original Contract of Marriage, *ibid.*

"only lawful son," his sole executor, and nominating Christian Stuart, his spouse, and Alexander Stuart of Torrance, and Major James Stuart, his eldest son, and others, as curators to his son and to his only lawful daughter Margaret, and to any other children to be born to him.[1]

Sir William occasionally experienced difficulties in raising money to meet his obligations. In a letter to his law-agent in Edinburgh, Mr. Archibald Stuart, W.S., dated 24th December 1731, Sir William sends £10 in notes and one guinea, which he says was all he could "scrape together at the time." In a previous letter to Mr. Stuart, Sir William alludes to a singular source from which he expected funds to assist in clearing his estate of debt. "My asses," he says, "are very near the colting, which will still add to my designs in clearing debt."[2] Sir William died in the year 1750. Sir William Maxwell and Christian Stuart had four sons and four daughters,—

1. William, who succeeded him.

2. John, of Newlands, who was colonel of a regiment of grenadiers, and served with great distinction in the German wars under Prince Ferdinand. The following letter from the Colonel to John Dalrymple, Advocate, younger of Cousland, giving a graphic account of engagements with the French, appears worthy of a place here :—

Denheren Camp, 17th July 1761.

My dear Sir,—Before this reaches you, you will have heard of an ingagement we had on the 15th and yestesday. I believe it is to be called only an affair, as the whole army was not ingag'd. But faith, if such folks were not better judges of affairs than I am, it might stand for a very neat little country battle. However, without farther preface, as Kingslay's was not ingag'd, nor none on the right of the army, your brother Billy is safe and, thank God, sound. But as there is no writing of a battle without leting you country gentlemen know what blood you have had for your money, what I saw was as follows :—About 5 o'clock, the French army, or rather part of it belonging to Marshal Broglis, attack'd Lord Granby's corps, which makes the left of the army, as they march'd in 5 columns through the closest country you can conceive, they came almost closs into our camps before we could check them. There continued the most fureous attack, both with cannon and small arms, till even after it was quite dark, that most people ever heard. By mutual consent, we gave over during the dead of the night ; but as soon as objects could be distinctly discern'd in the morning, all hands set to work again, as if the Devil drove them. This continued till about 7 o'clock, with such continued fire of small arms, as seem'd one constant feu-de-joy. At last the Duke order'd the two battalions of English grenadiers to indavour to get in their rear. Though the woods were so thick that my people could only pass one by one, we were lucky enough to get quite behind them before they perceived us, and as the men and officers show'd as good will as ever I saw them, which is all I can say, the French soon thought it best to make their heels defend their head. Stewart's, and the fusilier companies of my battalion suffer'd most, as these two fell in with a large body of French at the back of a hedge, which made an infernel fire for some time ; but by the most remarkable bravery and cleverness of Lutennant Douglass of Stueart's, and Sandy Steuart, son to Castle Steuart, who has been some time adjutant to the battalion under my command, they drove them where ever they met them. The reason for my mentioning these companies is, they were immediately under my eye, for it was such a country that not above a company could be together, but the others where ever they came had the same success. You will pardon my mentioning one of the most extraordinary circumstances that perhaps yon have heard of. As Davie Wedderburn, who acted as major of brigad, and I, were riding around an enclosure, we saw a French battalion come out of a wood into a small plain, and on our riding full speed at them, and calling to them to lay down their arms, tho to the best of my remembrance we had only two grenadiers with us, the whole battalion threw away their arms, and deliver'd themselves up prisoners with colonrs and all, without even firing at us. This is as strong an instance of a panick as you have heard of, and what I realy believe

[1] Original Will at Torrance.

[2] Original Letters, *ibid.*

your brother Billy might have done almost as well as we. This is a lucky hit for Davie, who was going to London that day, however, and set out directly from the field of battle, with a note from the Duke to the King, in which they say H. S. H. mention'd that fact. I am happy at it, for tho Wedderburn's luck has been very great, he well deserves it. As to kil'd, woonded, and mising on both sides, I must refer you to the Gazet. By all accounts the French loss is much greater than at Minden. My battalion has taken three sixteen pounder, 1 six pounder, and 4 four pounders, 6 wagons loaded with amunition, and 27 horses, with all their harnass, and 5 stand of colours. But alas for these trophies. I have exchang'd some as good fellows as ever step'd, tho my loss is very inconsiderable to what it used to be. What other Regiments have taken I realy know not. Besides the entire battalion I mention'd, my men have taken a great number of all ranks and regiments. I have only one Lieutenant, Mercerr, woonded, and Lieutenant Ferguson taken prisoner in a small redoubt, but he is safe and well; this I mention, that all my officers' friends may be easy, as I have no other toutched, nor is there one officer in the other battalion hurt. The Duke has shown such prodigious parts this whole campaign, and in this last affair in particular, as is astonishing, and by all accounts no troops ever behaved better than the Highlanders and Hessians, on whom the chief of the attack fell; the last of which fired above 150 roonds a man; this I had from General Gils to-day, who at present commands the Hessian troop. As I had only time to write Sandy yesterday that Billy and I were safe, you will be so good as send him this, as there is no possibility of writing such a long rigmarol story twice over.—I am, most affectionally yours, J. Maxwell.[1]

Colonel Maxwell died without issue before 4th August 1773, when his brother, Sir William Maxwell, was infeft in Newlands as his heir.[2]

3. Alexander, who was a merchant in Edinburgh. He married Mary, third daughter of Mr. Hugh Clerk, merchant in Edinburgh (of the family of Clerk of Pennyeuik), before 5th March 1754, when they entered into a contract which narrates their previous marriage without contract. Alexander Maxwell thereby became bound to provide his wife in an annuity of £120, and to dispone the half of his furniture to her, in the event of her surviving him without children; and she assigned to him £200, and her father paid to him £300 of tocher.[3] They had four sons and three daughters,—

1. William, sixth baronet. 2. Hugh, died young and unmarried. 3. Agnes. 4. Mary.
5, 6, 7, three other children, who all died young and unmarried.

4. Agnes, who married, in 1743, Sir Robert Gordon, fourth baronet of Gordonstoun, and had issue four sons and one daughter, of whom there are now no descendants alive.

5. Margaret, died between 1717 and 1729 unmarried. The other daughters of Sir William also died young and unmarried.

Sir William Maxwell, the third baronet, died in 1750, and was succeeded by his eldest son,—

XII.—Sir William Maxwell, Fourth Baronet of Calderwood, 1750-1789.

During his father's life, Sir William was put in possession of the family estates, and held them for about half a century. He married Grizell, daughter of James Peadie of Roughhill. Their contract of marriage is dated 4th March 1742, and by it William binds himself and his heirs to infeft Grizell in an annuity of £200 sterling in the event of her surviving him, and in security to infeft her in the lands of Calderwood and others, which were to be resigned for new infeftment in favour of himself and the heirs-male of their marriage; her tocher was £3500.[4] William Maxwell was

[1] Old Copy of Letter, holograph of Alexander Maxwell, brother of the Colonel, at Calderwood.
[2] Register of Sasines for Lanarkshire.
[3] Original Contract at Calderwood.
[4] Original Contract, *ibid.*

infeft in the barony of Calderwood, on charter, under the seal of the Prince of Scotland, on 13th February 1744 ; in the lands of Over Abington, on charter under the great seal, of the same date ; and in the lands of Newlands, as heir of his brother, Colonel John Maxwell, on precept from Chancery, dated 4th June 1773.[1]

Sir William Maxwell employed Mr. James Baillie, minister at Bothwell, to write an account of the Calderwood family for the Baronage of Scotland, by Sir Robert Douglas. It is very inaccurate, in so far as regards the succession of Sir George Maxwell of Auldhouse to the estate of Pollok. Mr. Baillie, in a letter to Sir William, dated 26th April 1764, says : " I have done it in such a hurry, as neither to have had time for transcribing it, nor polishing the language. What is sent is the very first scroll." He authorizes Mr. Douglas to correct anything in which he, Mr. Baillie, may have been mistaken.[2] The great " hurry" in which Mr. Baillie prepared his account of the family, explains the mistakes into which he necessarily fell, particularly in reference to the Pollok and Auldhouse families. These inquiries into the history of the families led to correspondence with his Irish cousin, Robert Maxwell Earl of Farnham, relative to the descent of the latter from the family of Calderwood. The following letters from Sir William's brother, Colonel John Maxwell, and Lord Farnham, on this subject have been preserved at Calderwood :—

PARIS, 12th October 1764.

. . . . Our friend, Lord Fernham, is here at present, and has shown me much politeness ; he talk'd to me yesterday for two hours about our family, and insisted that I should introduce him to Lord and Lady Nithsdale, which I did. He says he is certain he came off Calderwood, and says all his family ever told him so. He says the first of their family who came to Ireland was Dean of Armach, his son was Bishop of Kilmore, his son, my Lord's grandfather, who was also a clergyman, then my Lord's father, and now he is the fifth generation. Lord Nithsdale says that both the Finniebroge family and Lord Fernham's family came of Calderwood. My Lord desir'd me to know from you if you knew of any son who left Scotland about James the Sixth of Scotland or First of England's time, as he believes it was about that time that he came over. I told him that I heard you say that there was a son of the family who had the estate of Newlands, which you had lately made over to me to strengthen the family interest in the county (you know it's necessary sometimes to make a puff), who went to Ireland, but I could neither tell exactly his name nor the time he went off the family. This you'll see was a little necessary, because, as he had the instant before told me he could get me his name from the records in Ireland, and my predecessor, old Newlands, was rather, I'm afraid, a son of my own fancy, instantly begot *pro re nata* than by any of our forefathers, I did not care he should be able to backspeer me. He tells me they are going to write a peerage of Ireland, and all he wants is just to know about what time a son of Calderwood went over to Ireland, who must be his forefather. I need not tell you how proper it would be to have this relationship made out, to a person of so great weight and fortune, whether true or false, is not a sixpence loss to any soul liveing, but have him we must ; I have therefore wrote to Sandy to send you any insight you want from Edinburgh ; and as I am now in Gibraltar, if you was to write my Lord an account of it in consequence of what I had wrote you, and my not being on the spott, he would take it extremely well. He talk'd to me indeed of going by Scotland sometime or other in his way to Ireland, on purpose to pay you a visite, but Sandy will always let you know when he comes to Edinburgh. Lord Nithsdale show'd me a manuscript, which seems to me to be a little contradictory about the time we came off his family. It says, ' Lord Homer Maxwell's second son, Homer, voted in the Parliament 1244, of whom is descended the familys of Nether-Pollock, Calderwood," &c. &c. In another place he says Lord John Maxwell died 144. . . from—(wanting, torn away).

LONDON, 15th August 1765.

DEAR SIR,—I have postponed too long answering your very obliging letter, and have not yet received the information which has been the cause of it. I was in hopes of having it from a relation who knows

[1] Original Instruments of Sasine at Calderwood.

[2] Original Letter, *ibid.*

more particulars about my family than I do; but I can wait no longer to express my sense of the very kind offers you make me to ascertain our connexion, and to return you my sincere thanks for the trouble you have already taken about it. The accounts you have been so good [as] to send me don't yet amount to that positive prooff that I wish very much to have. I have not, myself, the smallest doubt of belonging to your family, as I have been always told so since my infancy; but, if you have not mistaken the period that the sons of Robert passed into Ireland, we are still absolutely in the dark; for the person I descend from must have left Scotland about the end of Elizabeth, or beginning of James I., as his son, my great-grandfather, was Bishop of Kilmore in Charles the 1st's time, and obliged to fly to London from his diocese for safety in the Rebellion of 1641. You mention the end of the sixteenth century or beginning of the seventeenth, which is just one hundred years too late; but I am very much inclined to believe that this is a mistake, as so late an event, sixty or seventy years agoe (in all probability), could be, without difficulty, ascertained. It is particular that the name of Robert has been always continued, and was given to me. If you should acquire any fresh lights, towards clearing up this affair, I shall be very much obliged to you for them; and, in return, will take the first opportunity of paying you homage as my chief. Whenever I receive any further information, I will certainly send it to you. If my descent from your family should be ascertained before the publication of the History you mention, I think it would be very proper to have it inserted in that part which relates to you, as I am not only desirous of fixing, but also of making publick, my relationship to you. I shall not now take up any more of your time, but to beg to hear soon from you, and to assure you that I shall be happy in every opportunity of cultivating your friendship.—I have the honour to be, dear Sir, your most obedient and most obliged humble servant, FARNHAM.

Sir William Maxwell died 2d January 1789.[1] Of his marriage with Grizel Peadie, there were two sons and four daughters.

1. Sir William, fifth baronet.

2. James, a lieutenant in the army. He was infeft in liferent in the lands of Newlands on 27th September 1773;[2] and, as proprietor in liferent of Newlands, he claimed to be enrolled as a freeholder of Lanarkshire, in July 1774.[3] He died unmarried in October 1779.

3. Margaret, died at Edinburgh on 14th December 1821, and was buried at Calderwood.

4. Isabella, died before the year 1764.

5. Christian, died at Melrose, 29th May 1765.[4]

6. Grizell, died at Edinburgh, 10th April 1766.[5]

These ladies were unmarried.

XIII. 1.—Sir William Maxwell, Fifth Baronet of Calderwood, 1789-1829,

Was born in 1748, adopted the military profession, and held a commission in the 1st Regiment of Foot. After his succession to the title and estates in 1789, he resided at Calderwood, was Vice-Lieutenant of Lanarkshire, and took an active part in the management of all matters and improvements connected with the county. During his time political power in Lanarkshire was pretty equally divided between two parties, the one headed by the Duke of Hamilton, the other by the Douglas family. Sir William was a neighbour of both families, and did not take a very prominent part on either side, but held the balance between the two contending parties. Each of them courted him for his support, and the side taken by him generally prevailed. Sir William must have been

[1] Scots Magazine, vol. li. p. 50.
[2] Original Instrument of Sasine at Calderwood.
[3] Original Claim, *ibid.*
[4] Scots Magazine, vol. xxvii. p. 279.
[5] *Ibid.*, vol. xxviii. p. 223.

sorely puzzled on one occasion when, as the Pope has his palfrey held by two crowned heads, Sir William had his horse held for him by the Duke of Hamilton and Lord Douglas.

Soon after his succession, Sir William expede, on 15th April 1830, a special service, as nearest and lawful heir-male of provision to Sir James Maxwell, first baronet of Calderwood, who was the brother consanguinean of his great-grandfather's father, in the common of Kilbryde.[1]

Sir William married, 5th May 1807,[2] Hannah Leonora, daughter of Robert Pasley of Mount Annan. They had no surviving issue.[3] Lady Maxwell survived Sir William, and died at Edinburgh on 19th July 1857, and was interred in the Dean burying-ground. On his death, on 12th August 1829, the title and estates devolved on his cousin William Maxwell, who became

XIII. 2.—Sir William Maxwell, Sixth Baronet of Calderwood, 1829-1837.

He was born on the 4th December 1754, and succeeded his cousin, the fifth baronet, in 1829.

Early in life Sir William adopted the military profession, and became a general officer in the army. He was employed in the American War of Independence, and was twice taken prisoner, —first in 1777, under Burgoyne at Saratoga, and again in 1783, under Cornwallis at Yorktown.

Sir William was distinguished for great politeness, though it did not rise to the eminence so remarkable in his kinsman the late Duke of Hamilton, the proudest and most courteous personage of his day. A visitor who related the story, said that he was one of the family party at Calderwood when the Duke rode there to call. He was ushered in with his coat buttoned to the throat, and with long jack boots which suited well with his tall figure and dark features. After sitting some time, he was about to depart, and proposed to have his horse ordered, when heavy rain came on. Sir William insisted on getting his carriage ready to take the Duke home. His Grace protested nothing should induce him to go into it; Sir William protested he could not allow the Duke to go without it. In the energy of the debate up they started together, and they careered the whole length of the long room face to face as in a country dance, down the middle protesting vigorously, till they disappeared. The visitor did not like to follow and see the end of the adventure; but soon the door opened, the Duke entered with his arms folded across his breast (perhaps because no shaking of hands was to be expected) and begged his pardon for having in the excitement of his departure omitted to take leave. Then he retreated finally.

Sir William on one occasion had a dangerous illness, from which he had a surprising recovery. He was always thin and very pale, but he looked still more so after his recovery, when he said to a friend who asked for him that he "had had a round with death."

Sir William married Isabella, daughter and heir of Henry Wilson of Newbottle, county of Durham, by whom he had four sons:—

1. William Alexander, seventh and present baronet.

2. Robert Wilson, who was in the Civil Service of the East India Company, and made a fortune in India. He purchased the estate of Middleton, near Uphall, in Linlithgowshire. He died unmarried on 31st January 1851.

3. Henry, merchant in Leith. He acquired the lands of Dean Park, in the county of Edin-

[1] Original Extract Retour at Calderwood.

[2] Scots Magazine, vol. lxix. p. 397.

[3] Lady Maxwell had a still-born child on 10th May 1808, and another on 26th May 1809.—[Scots Magazine, vol. lxx. p. 397; vol. lxxi. p. 478.]

burgh. Mr. Maxwell died, unmarried, at Edinburgh on 29th January 1853, and was interred in the Dean burying-ground.

4. Hugh Bates, who was born 14th February 1797. He was called to the Scotch bar in the year 1818, but he never practised as a lawyer. Mr. Maxwell married, on 1st May 1827, Mary Ann Barbara, only daughter of John Hunter of Lisburne, and has a son, William, born 11th August 1828.

Isabella Lady Maxwell died 1st October 1829. Sir William died 16th March 1837. They were both interred in the burying-ground of St. John's Episcopal Church, Edinburgh. Sir William was succeeded by his eldest son,

XIV.—Sir William Alexander Maxwell, Seventh and Present Baronet of Calderwood.

He was born on 30th April 1793. Like his father, he entered the army, and held a commission in the First or Royal Dragoon Guards. He retired from the service, holding the rank of Colonel, when he succeeded his father as seventh baronet in 1837. The present baronet, like his predecessors, was on terms of friendship with his neighbour the late Duke of Hamilton, of whom an anecdote has been given of a visit to Calderwood in the time of the late Sir William. On another occasion, when the Duke was at Calderwood after dinner, Mrs. Gillon, Sir William's step-daughter, was playing and singing, and at length got up the comic song of the Muffin Man. She went up book in hand to each one of those about the pianoforte, and asked, with the usual air—"Do you know the Muffin Man," etc. etc. The Duke had been left to himself, owing to the superior attractions of the Muffin Man, and seeing the fun, and feeling lonely, he marched up, buttoned to the throat, as if he was going out to the Muffin Man. Mrs. Gillon seeing him approach, went up with her book, and sung with an appropriate variation—"Does your Grace know the Muffin Man, the Muffin Man, the Muffin Man, does your Grace," etc. In the surprise of the attack, the Duke was led not only to acknowledge the acquaintance of the Muffin Man, but was even inspired with such zeal in the cause that he sang it to the best of his ducal voice. The effect was irresistible.

Sir William married, on 15th June 1847, Catherine Cameron, fifth daughter of the late Walter Logan of Fingalton, county of Lanark, and relict of Captain Henry Paget Gill of the 50th Regiment.

The presumptive heir to Sir William is his brother Hugh Bates Maxwell.

Armorial Bearings.

Shield: Quarterly, 1st and 4th, *argent*, on a saltyr, *sable*, an annulet, *or;* 2d, *argent*, a saltyr, *sable*, within a bordure counter-componed of the second and first; 3d, *argent*, a bend, *azure*.

Crest: A stag's head, proper. *Motto:* "I am ready;" below, "Think on."

Supporters: On the dexter, an ape chained, and on the sinister, a stag—all proper.

[Patent by the Lord Lyon, dated 13th July 1793.]

THE MAXWELLS OF FARNHAM, EARLS AND LORDS FARNHAM IN IRELAND.

CADETS OF CALDERWOOD.

I.—ROBERT MAXWELL, second son of John Maxwell (VII. 2), eighth of Calderwood, went to Ireland *c.* 1600, where he was appointed Dean of Armagh. He married—1st, Susan Armstrong, who is mentioned as his wife in 1591, by whom he had issue; 2d, Isabella, daughter of Seton of Lathrisk, county of Fife.

II.—ROBERT MAXWELL, entered into Holy Orders, and obtained the degree of Doctor of Divinity in Dublin University. He built his house of College Hall in 1626. He was made Bishop of Kilmore in 1643, and of Ardagh in 1660. He married Margaret, daughter of Bishop Echlin. He died 16th November 1672.

HENRY MAXWELL of Finnebrogue, married Jane, daughter of Bishop Echlin. *Ancestor of the Maxwells of Finnebrogue, county of Down.*

JAMES MAXWELL of Mullatinny, now Elm Park, Armagh. He married Jane Norris, and had issue two sons and two daughters.

PHEBE (daughter).

III.—JOHN MAXWELL of Farnham. Died in 1713, *s.p.*

JAMES MAXWELL of Fellows Hall, married Jane, daughter of his uncle, Henry Maxwell. Issue one son and three daughters. Died in 1714.

HENRY MAXWELL of College Hall, was rector of Derrynoose, Armagh. He married Anne Stewart of Culmore.

WILLIAM MAXWELL of Falkland, married Anne, daughter of George Walker, D.D., and was ancestor of the Maxwells of Falkland, county Monaghan.

JANE, ANNE, MARGARET, PHEBE, MARY.

IV. 1.—The Rev. ROBERT MAXWELL, D.D., of Farnham, succeeded his uncle John in 1713. Died in 1737, *s.p.*

IV. 2.—JOHN MAXWELL of Farnham, M.P. for county of Cavan. Created, on 6th May 1756, Baron Farnham of Farnham. He married Judith, heiress of James Barry of Newton-Barry, county of Wexford. Died 6th August 1759.

ROBERT MAXWELL of Fellows Hall, a captain of horse, married Grace, daughter of the Rev. John Leavens, and had three sons and four daughters.

JANE, married to the Right Hon. Henry Maxwell of Finniebrogue.

V. 1.—ROBERT, second Baron, created Viscount in 1761, and Earl of Farnham in 1763. Married—1st, in 1759, Henrietta, daughter of Philip Cantillon; and, 2d, Sarah, daughter of Pole Coshy of Stradbally Hall. He died 16th November 1779.

V. 2.—BARRY, third Baron Farnham, created Viscount Farnham in 1780, and Earl of Farnham in 1785. He married—1st, Margaret, daughter of Robert King of Drewstown; 2d, Grace, daughter of Arthur Burdet. He died in 1800.

HENRY, Bishop of Drumore in 1765, and Meath 1766. He was a member of Privy Council. He married Margaret, only daughter of Anthony Foster, Chief Baron of Exchequer.

ANNE (Mrs. Owen Wynne).

JOHN LORD MAXWELL, predeceased his father in 1777, *s.p.*

HENRIETTA, married Right Hon. Denis Daly of Dunsandle.

VI. 1.—JOHN-JAMES, second Earl, and fourth Baron Farnham, born 1760. He married Grace, daughter of Thomas Cuffe of Grange, without issue. He died 23d July 1823.

ANNE, JUDITH, GRACE, ELIZABETH.

VI. 2.—JOHN MAXWELL-BARRY, fifth Baron. He succeeded his cousin in 1823. Was a representative Peer. He married, 4th July 1789, Juliana-Lucy, daughter of Arthur Earl of Mountnorris, without issue. He died 20th September 1838.

VI. 3.—The Rev. HENRY MAXWELL, sixth Baron. Succeeded his brother in 1838. He was in Holy Orders. He married, on 5th September 1798, Lady Anne Butler, eldest daughter of Henry, second Earl of Carrick. He died in October 1838.

HENRY MAXWELL, present Baron Farnham, K. P. Born 9th August 1799. Was M.P. for county of Cavan. Succeeded his father in 1838; and is a representative Peer for Ireland. Married, 3d December 1828, Anna-Frances-Esther, daughter of Thomas Lord Le Despencer.

SOMERSET-RICHARD, M., 1839, Dorothea Pennefather. JOHN-BARRY, died unmarried, 1833.

CHARLES-ROBERT. Died 1824. EDWARD-WILLIAM. Died unmarried, 1838. JAMES PIERCE, in the Army.

RICHARD-THOMAS, married Charlotte-Anne, daughter of the Rev. Henry-P. Erlington of Ferns, and has issue.

ROBERT-THOMAS, R.N. Died in 1841. WILLIAM-GEORGE, born in 1821.

SARAH-JULIANA, married to Alexander Saunderson of Castle Saunderson, and has issue.

HARRIET-MARGARET. Married—1st, Viscount Bangor; and 2d, to Capt. Nugent.

ANNE, married William Morris Bayly of Annamult. He died 1840. She died 1857.

THE MAXWELLS OF AIKENHEAD, LANARKSHIRE,

CADETS OF POLLOK.

I.—WILLIAM MAXWELL of Aikenhead, third son of Sir John Maxwell of Pollok and Isabella Lindsay. He was tutor-at-law to his nephew, Sir John Maxwell of Calderwood, from 1420. William received from him charters on 5th February 1423, and 26th July 1424. Died *c.* 1440. Succeeded by his son :

II.—John Maxwell of Aikenhead, who resigned an annualrent from Mauldslie, 1st August 1446; and, on 6th February 1452, he witnessed an indenture between Herbert Lord Maxwell and Sir John Maxwell of Pollok.

III.—William Maxwell of Aikenhead, witnessed infeftment of John Maxwell and Margaret Blair in parts of Pollok, 6th October 1494.

John Maxwell, brother-german of William, witnessed Instrument of Sasine in favour of his nephew John, son of William, in the lands of Kilcadzowlaw, in the barony of Mauldslie, dated 30th July 1493.—[At Calderwood.]

IV.—John Maxwell of Aikenhead. He, as son and apparent heir of William Maxwell of Aikenhead and Elizabeth Douglas, his spouse, was infeft in the lands of Kilcadzowlaw, in the barony of Mauldslie, on 30th July 1493. He received a discharge for 300 merks on 14th November 1509.

V.—Walter Maxwell of Aikenhead, was on an inquest 15th May 1518. He received a charter of Aikenhead from James V., 2d February 1540. He was on the Inquest of Service of John to Robert Maxwell of Calderwood, his brother, 6th October 1548. Walter died before 9th July 1575.

John Maxwell, brother-german to Walter Maxwell of Aikenhead, witnessed a Discharge 12th July 1542 (at Pollok).

VI.—Gavin Maxwell of Aikenhead. He was junior of Aikenhead 18th March 1558. He married Janet Bruce, and died before 7th April 1597.

Robert appears as son of Walter in the charter of 2d February 1540. He is also a witness on 8th November 1560.

William also appears in the charter of 2d February 1540.

John, son of Walter, had sasine of an annualrent from Little Aikenhead, on 9th July 1575.

VII.—Robert Maxwell, younger of Aikenhead, son of Gavin and Janet Bruce, submitted disputes with William Maxwell of Cowglen anent the little mains of Aikenhead, and other matters, to arbitration in 1580. He married Isobel Lockhart, and died before 7th April 1597.

John Maxwell, son of Gavin Maxwell of Aikenhead, witnessed sasine to John Maxwell, son of Walter of Aikenhead, dated 9th July 1575. John Maxwell, tutor of Aikenhead, is witness to an Instrument, dated 28th September 1594. In 1597, he was requested by the Presbytery of Glasgow to banish the Gipsies from his bounds.

Jean Dinwiddie, "Lady Dinwiddie," married before 14th March 1597.

VIII.—John Maxwell of Aikenhead, was served heir of his father Robert in the lands of Aikenhead, 7th April 1597. He and Sir James Maxwell of Calderwood granted a charter of the lands of Aikenhead to James Hamilton, Merchant in Glasgow, and Elizabeth Adam, his spouse, dated 22d October 1611. From the descendants of James Hamilton, the lands of Aikenhead were acquired in 1767 by Colin Rae of Little Govan, from whose successors John Gordon, Esq., acquired Aikenhead in 1808. His son, John Gordon, Esq., is now of Aikenhead.

Robert Maxwell, obtained liferent of his parents in the lands of Dinwiddie on 7th November 1617.

Giles Maxwell, who was summoned before the Presbytery of Glasgow in 1597 and 1601.

MAXWELLS IN GLASGOW, CADETS OF AULDHOUSE.

I.—PATRICK MAXWELL, third son of John Maxwell fourth of Auldhouse and Janet Dunlop, his wife, was a merchant in Glasgow. [His tombstone in south wall of churchyard around the Cathedral, Glasgow.] He married Bessie Boyd, daughter of James Boyd of Trochrig, Archbishop of Glasgow. He built a house on the east side of the High Street, Glasgow, in 1623, which belonged to his descendants for upwards of 150 years. On the front of this house was a stone with the armorial bearings of Patrick Maxwell impaled with those of his wife, and which remained there until the house was taken down in the year 1856. In the base of his shield is a double-beaded eagle for his difference as a younger son, and to mark his maternal descent from the Dunlop family. This stone is now in the possession of his descendant, Thomas Maxwell (VII.) Another stone, which had been plastered over, was discovered on taking down this old house, and has been rebuilt into the new one, having the initials, P. M. and B. B. interlaced, and the lines which are subjoined.* Patrick died in September 1623. He had three sons and one daughter.

II.—JOHN MAXWELL, merchant in Glasgow. As son and heir of Patrick, he obtained a charter from Sir John Maxwell of Pollok on 16th September 1624. He married Helen Hill [of Lambhill]. Died 1648.

GEORGE, died before 1661, when his younger brother, Robert, became heir of their eldest brother John.

II. 2.—ROBERT MAXWELL, born in 1611. He was minister of Monkton and Prestwick, 1640-1665, when he was ejected for non-conformity. Was tutor to his brother John's children in 1648. Was served heir to his brother John in 1661, and to his father, Patrick, in 1666. Married Margaret, daughter of Robert Blair of Bankend and Bogtoun. He died, 26th March 1686, aged 75.

AGNES, mentioned in her father's will, confirmed in 1624.

III.—NINIANE MAXWELL. BESSIE MAXWELL. JANET MAXWELL.

All minors at their father's death, in 1648, when their uncles, George and Robert, acted as their tutors; and all dead before 1661, when their uncle Robert was served heir of their father, John, and of his daughter Bessie.

III. 2.—ROBERT MAXWELL, was a merchant in Glasgow, and married Euphan, daughter of Peter Patoun, merchant, there. They were infeft in a house in Glasgow on 19th March 1673. He disponed that house to his son Patrick in November 1716.

IV.—MR. PATRICK MAXWELL, born 1689. Appointed minister of Inchinnan in 1722. In 1725 he was entered a burgess of Glasgow, as son of Robert, who was son of Robert, son of Patrick, great-grandfather of this Patrick, and died 16th January 1749, aged 60. He married Janet, daughter of Thomas Thomson, merchant, Glasgow.

ROBERT, died in January 1737, in childhood.

V.—THOMAS, born in 1732. Appointed minister of Stewartown in 1758. Married, in 1770, Elizabeth, daughter of Robert Brown, shipmaster, Saltcoats. He sold the old family house in Glasgow; and died on 13th March 1796.

PATRICK, born 12th January 1734. Died of smallpox, on 31st January 1737, three weeks after his brother Robert.

ROBERT, born 15th March 1741. He was for some time at Cape Coast Castle for the African Company. He died before 1778, when his brother Thomas was served heir to him.

MARGARET, married Thomas Allason, merchant, Glasgow. Their only child, *Tomina*, was served heir to her mother on 1st May 1778. She married Benjamin Robertson, printer, Glasgow, before 1781, without issue.

EUPHAN, born 28th September 1738. Married, in 1765, Gilbert Lang, minister at Largs. She died soon, without issue.

VI.—PATRICK MAXWELL, was born in 1771. He was a writer in Irvine, and married, in 1806, Jane, daughter of Robert Tod of Knockendale, merchant in Irvine. Died at Gailes, near Irvine, on 15th August 1818.

ROBERT, born 1773. Died young.

JOHN, born 1774, Surgeon in West Indies, where he died, 13th July 1805.

THOMAS, born 1775. Died at Tobago, 26th November 1802.

ROBERT, born 1777. Died at Tobago, 21st January 1804.

GEORGE, born 1781. Died at Irvine, 25th September 1826.

JEAN, JANET, both died young.

They all died unmarried.

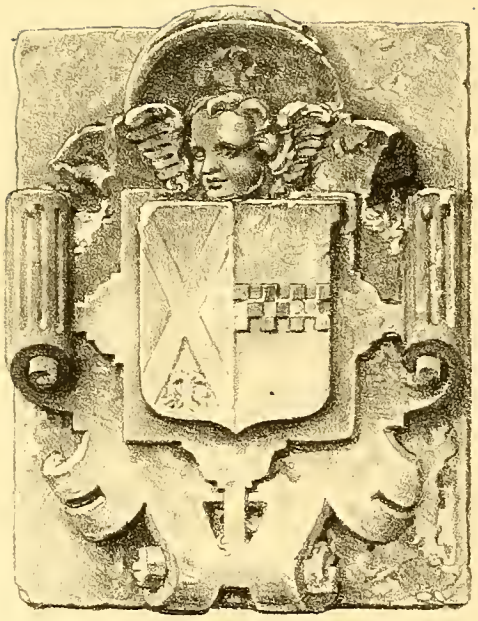
VII.—THOMAS MAXWELL, born in 1812. A merchant in Glasgow. Married, in 1848, Constantia Margaret, daughter of William Church, merchant in Glasgow, and has one son and four daughters.

ELIZABETH, MARION, JANE, AGNES, JANE. These five daughters died, unmarried, with the exception of Agnes, but of her there is no surviving issue.

PATRICK WILLIAM, born 29th September 1855.

ELIZABETH, JANE MARION, CONSTANCE ADA, ANNE EUPHAN.

* God by whois gift this worke I did begin,
Conserve the same from skaith from schame and sin
Lord as this building buildt was by thy grace
Mak it remaine stil with the builder's race:
God's Providence is myne inheritance, 1623.



ARMS OF PATRICK MAXWELL AND BESSY BOYD 1623.

(REFERRED TO IN THE PRECEDING PAGE.)